SENATE.

SATURDAY, *February 1, 1913.*

(Continuation of legislative day of Thursday, January 30, 1913.)

The Senate reassembled at 11 o'clock and 45 minutes a. m., on the expiration of the recess.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore (Mr. GALLINGER). Under the order of the Senate of January 24, 1901, the Chair announces the appointment of the senior Senator from Connecticut [Mr. BRANDEGEE] to read Washington's Farewell Address on February 22, 1913.

REPORT OF INTERURBAN RAILWAY CO. (H. DOC. NO. 1328).

The PRESIDENT pro tempore laid before the Senate the annual report of the Interurban Railway Co. for the year ending December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of South Carolina at the election held in that State November 5, 1912, which was ordered to be filed.

CALLING OF THE ROLL.

Mr. CULLOM. Mr. President, I suggest the want of a quorum.

The PRESIDENT pro tempore. The Senator from Illinois suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Shively
Bourne	Curtis	McCumber	Smith, Ariz.
Brandegee	Dixon	McLean	Smith, Ga.
Bristow	du Pont	Martine, N. J.	Smoot
Brown	Gallinger	Myers	Stephenson
Bryan	Gronna	Nelson	Sutherland
Burnham	Guggenheim	Page	Swanson
Burton	Hitchcock	Paynter	Thomas
Chilton	Jackson	Percy	Thornton
Clark, Wyo.	Jones	Perkins	Townsend
Crawford	Kavanaugh	Perky	Wetmore
Culberson	Kenyon	Richardson	Williams
Cullom	La Follette	Sanders	Works

Mr. JONES. I desire to state that the Senator from Vermont [Mr. DILLINGHAM], the Senator from South Dakota [Mr. GAMBLE], the Senator from Minnesota [Mr. CLAPP], the Senator from Kentucky [Mr. BRADLEY], the Senator from Pennsylvania [Mr. OLIVER], the Senator from Indiana [Mr. KERN], the Senator from Florida [Mr. FLETCHER], and the Senator from Alabama [Mr. JOHNSTON] are absent at a meeting of the Committee on Privileges and Elections.

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 5674) for the relief of Indians occupying railroad lands disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. HAYDEN, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 157) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913, and it was thereupon signed by the President pro tempore.

SENATOR FROM DELAWARE.

Mr. RICHARDSON. I present the credentials of WILLARD SAULSBURY, chosen by the Legislature of the State of Delaware a Senator from that State for the term beginning March 4, 1913, which I ask may be read, and there is accompanying it a letter from the secretary of state of the State of Delaware which I ask to have printed in the RECORD.

The credentials of WILLARD SAULSBURY, chosen by the Legislature of the State of Delaware a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

The PRESIDENT pro tempore. The Senator from Delaware asks that a letter from the secretary of state of the State of Delaware, relating to the credentials of the Senator elect, be printed in the RECORD. Is there objection? The Chair hears none.

The letter referred to is as follows:

STATE OF DELAWARE,
OFFICE OF SECRETARY OF STATE,
Dover, Del., January 31, 1913.

SECRETARY OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: I herewith inclose the certificate of election of WILLARD SAULSBURY to the United States Senate as a Senator from Delaware for the constitutional term beginning March 4, 1913.

For your information, and in accordance with section 2, Rule VI, of the standing rules of the Senate, I herewith hand you the following information in connection with this election:

Name, WILLARD SAULSBURY.
Date of certificate, January 29, 1913.
Governor (signing certificate), Charles R. Miller.
Secretary of state (signing certificate), Thomas W. Miller.
State from which Senator is elected, Delaware.
Vote given at election: WILLARD SAULSBURY, 28; HARRY A. RICHARDSON, 11; John G. Townsend, jr., 5; Alfred I. du Pont, 3; Ruby R. Vale, 1; Alexander P. Corbit, 1; Simeon S. Pennewill, 1; necessary to choice, 26.

Very truly, yours, THOMAS W. MILLER,
Secretary of State.

SENATOR FROM SOUTH DAKOTA.

Mr. GAMBLE. I present the credentials of THOMAS STERLING, chosen by the Legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1913, which I ask may be read and placed on file.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The credentials of THOMAS STERLING, chosen by the Legislature of the State of South Dakota a Senator from that State, for the term beginning March 4, 1913, were read and ordered to be filed.

INTERSTATE SHIPMENT OF LIQUOR.

Mr. GRONNA. I ask unanimous consent to have printed as a Senate document a brief on the so-called Kenyon interstate liquor-shipment bill.

Mr. LODGE. I regret to do it, but I must make the same point of order that I made previously. Under the unanimous-consent agreement no other business is in order.

The PRESIDENT pro tempore. The Senator from Massachusetts makes the point of order that under the unanimous-consent agreement no routine business can be transacted. The point of order is sustained. Senate joint resolution No. 78 is before the Senate as in Committee of the Whole.

THE PRESIDENTIAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. CUMMINS] is entitled to the floor.

Mr. CUMMINS. Mr. President, with respect to the phase of the matter that I was discussing last evening I desire only to say further that I believe every constitution should contain a provision that a proposed amendment to the Constitution initiated by the legislative branch of the Government and failing to meet the approval of that branch of the Government should be submitted to the people for their approval or disapproval upon a fair and reasonable proportion of the people indicating their desire for such submission. I think that is a proposition upon which those who believe in the referendum will agree.

Our Constitution has no such provision. Our forefathers intended that it should be difficult to amend the Constitution. I believe that there ought to be such opportunities for reflection and consideration as would always prevent hasty or ill-advised action; but in view of the development of the science of government and of the sociology of the present day I think it has become the duty of Congress to submit proposed amendments to the people whenever Congress is made to understand that a fair and reasonable proportion of the people to be affected desire such an amendment to be submitted to them. It will become more and more, it seems to me, our duty to construe the Constitution in this way.

What I said yesterday was simply to make it clear that there had been from the beginning of the Government a continuous, persistent demand for this amendment to our organic law. That demand has found expression in the declaration of political parties. It has found expression in the action of many States.

It has found expression in the declaration of an illustrious line of patriots and statesmen from the beginning until now. I think that we can well accept this evidence of the desire of the people to be permitted to determine for themselves what their government shall be in the stead of that definite petition which modern constitution makers have inserted in modern constitutions.

I now pass for a very few minutes to discuss the merits of the proposal. In doing so I am acting not as a Senator in the Congress of the United States. I am not speaking now as a Senator; I am speaking as one of an hundred millions of people, all of whom are to be affected by the amendment if it becomes a part of the Constitution. I am considering it precisely as though all the voters of the United States were assembled and we were trying to determine for ourselves whether it is wise or unwise to prescribe this rule for the conduct of our public business.

I assume that there is no Senator who will declare that the people, the source of all power, ought not to prescribe rules for their own government. I know that there is a tendency in these later days to disparage the rules which are intended to prevent the people from doing at any particular time and in any way in which they desire to do it whatsoever they at that moment may want to do—that is to say, what a majority of them may want to do—but I can not think that that view has found approval among the thinking men of the country, and especially has it not found approval in the Senate of the United States.

This is a Government of law; it is a Government of constitutions; and it is absolutely necessary, as I think every Senator here will agree, that the people shall in their primary capacity prescribe rules not only for the restraint of their representatives but for their own restraint as well.

Let us take some of the examples of these restraints. I do not say that all of them are wise; I only instance them in order that we may have the subject well in mind. The Constitution of the United States declares that no man shall be elected President of the country unless he be 35 years of age. The people in that have restrained themselves from selecting a man for President who has not attained the age of 35 years. It is a limitation, a restriction upon their powers and privileges, of which we have heard so much.

Again, the Constitution declares that the person chosen for President must be a natural-born citizen. No matter how long he may have been a citizen of the United States, no matter how early in his life he may have come into the United States, the people have no right under the Constitution to elect any man President unless he was born a citizen of the United States. Whether this is a wise or an unwise restraint I do not say. I only mention it in order to indicate that always the people have recognized that they must prescribe rules for their Government that will bind themselves as well as their representatives.

Again, the Constitution says that no man shall be elected a Senator in the Congress of the United States unless he is 30 years of age, unless he has been nine years a citizen of the United States, and unless he be at the time he is elected an inhabitant of the State from which he comes.

A State might very much desire at the moment to select a man who had not been a citizen of the United States for nine years; it might desire to select a man who was not an inhabitant of the State; and yet they have put this restraint upon themselves, because at the time the Constitution was adopted it was believed that on the whole the country would be better served if these persons excluded by the Constitution are not permitted to hold this particular office.

It is likewise true of Representatives in Congress. A man to hold that office must be 25 years of age, and must have been a citizen of the United States for seven years before his election, and must have been an inhabitant of the State from which he comes.

These are simply illustrations of the restraints which the people have hitherto put upon themselves with regard to the selection of a President, a Senator, and a Representative.

Again, it is in the power of the House of Representatives to impeach and in the power of the Senate to try and convict. The Constitution says that one of the penalties imposed after a conviction in an impeachment proceeding may be disqualification for any office under the laws of the United States. Therefore, if a President were impeached and the Senate of the United States had attached this disqualification to him, no matter how much the people of the country might desire after that time to elect him President or to elect him Senator or to elect him Representative, they would be incapable of doing it, because the framers of the Constitution believed it would be better for the country and that the calm counsel of a deliberative body in establishing rules would furnish better protection than the act of the immediate time.

But that is not all. Our Constitution puts many restraints upon the people in a legislative way. Suppose that we had introduced into the United States the system of direct legislation. I will not discuss the practicability or the merits of that system at this time, but suppose it had been established. We would be met with these restraints upon the power of the people:

> No bill of attainder or ex post facto law shall be passed.

Does any Senator here believe that it is not wise for the people to say to themselves in the deliberation of a constitutional convention or assemblage that we shall not pass a bill of attainder or ex post facto law?

Or, again, that—

> No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

That is a restraint upon the people, indirect now because it is a restraint upon their Representatives in Congress, but it would be direct if we had the system of direct legislation.

And again, passing to another section:

> No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

A State, if it had the system of direct legislation as many States now have, might think it very desirable at a particular time to pass a law that would impair the obligation of a contract. The people of the State might feel the injustice of a particular obligation so keenly that they would be willing to pass a law that would impair the obligation of the contract in which the debt or obligation was created.

Is there, however, anyone who feels that it is an invasion of the powers and the privileges of the people if they themselves declare as a rule of their own conduct that they will not pass any law which violates the obligation of a contract or pass any law which makes a thing criminal that before that time was not criminal, and makes an act committed before that time a criminal act that was innocent at the time it was performed?

I simply mention these things in order to show that we may go far afield if we attempt to fashion our conduct upon the hypothesis or upon the proposition that the people in making their laws and in making their constitutions ought not to put any restraint upon themselves.

It is not a wise and sound principle of government that the majority of the people have a right to do at a given time anything that a majority at the moment desire to do. There is no government in the world that could survive for a decade the establishment of a principle of that kind.

Therefore, without going further into the philosophic doctrine itself, or the abstract doctrine, I come to consider whether it is wise for the people to say to themselves, "We will not elect a man President of the United States who has held that office"; in other words, that we will establish the system of a single term for President of the United States.

Now, I recognize that there may be a great difference of opinion upon the merits of this proposition. I take great pleasure in acknowledging my own belief that those who oppose it are entirely sincere and that they oppose it because they believe that it is not wise to so restrict the action of the people. I grant you that there is no other tribunal so trustworthy in the election of a President as the tribunal of the people. I have implicit faith, the highest confidence, in their patriotism, in their intelligence, in their desire to render complete justice among themselves; but I have no higher confidence in the ability of the people to select a President of the United States than I have in their ability to declare, when the question is submitted to them, whether they desire that, under any circumstances, one who has held the office shall again hold the office. I think that the highest privilege, the dearest power that the people of this country can exercise is the power to say for themselves what their Constitution shall be, by what rule they will be governed in the future. Therefore, in appealing for the passage of this joint resolution, I am opening the door to the exercise of that highest and most sacred right which any free people can either enjoy or exercise. If we wait until two-thirds of the Senators and two-thirds of the House of Representatives are individually convinced that this rule ought to obtain before we give the people the opportunity to declare upon it themselves we will wait either until the millenium or we will wait until the pressure of public opinion upon Senators and Representatives leaves them no other course to pursue save the submission of the amendment.

Let us see now for a moment the point we have reached in the argument. The people want a President who will render

them the best possible service; they want a President who will be a faithful, efficient public servant. I will endeavor to state the argument on the other side, and if I do not state it fairly I want some one who is opposed to the joint resolution to correct me. It is said that a President will more faithfully and more efficiently execute his duties if he executes them with a view to a renomination by the party to which he belongs and a reelection by the people; that the stimulus of this popular approval will lead him to a better and more complete performance of the duties with which he is charged than if he knew that there could be for him no renomination and no reelection. I do not believe in that proposition. I believe that the President of the United States will more faithfully execute his duties under the proposed limitation. I am not now speaking of the President as a leader of a party, because we do not elect Presidents as leaders of parties or as leaders of the people. Presidents may be leaders of the party to which they belong; they may be leaders of public thought; but they are not elected either to be leaders of parties or leaders of public thought. They are elected to perform certain duties imposed upon them by the Constitution and by the laws which have been enacted by the Congress of the United States.

I do not want it to be understood that I think a President ought to efface himself from political affairs; that he ought not to occupy his abilities and to employ his experience in the general service of the people; but if he has those abilities and if he has that experience, he will be a leader of men, not because he has the power of a President, but because he has the power of character and capacity. I am not considering that phase of the activities of a man who happens for the time being to be a President of the United States. I am considering only those duties which he has sworn to perform which the Constitution places upon him and which the Congress of the United States have required should be performed.

I think that a President of the United States will more perfectly keep an eye single to the work which he has undertaken to do if he is not disturbed, if he is not vexed, if he is not influenced by the thought of renomination or reelection.

Very much has been said in praise of the Presidents of the United States from the beginning until now. I join in it all, and would emphasize if I could. The United States has been conspicuously fortunate in the character and attainments of the men who have been elevated to the high office of President; but, nevertheless, I am bound to say that it is my belief that every President of the United States, save one—and he is only a possible exception, but I do make one exception—that every President of the United States save one, no matter how good a President he was, would have been a better President if he had been ineligible to renomination and reelection. The exception that I make in my own mind is George Washington; and I make it only because I believe that he was indifferent—wholly indifferent—with respect to his renomination and reelection.

Mark you, I am not taking away any of the just praise which ought to be accorded to all these illustrious men when I say that the ambition for renomination and reelection disturbed their serenity when they ought to have been most serene, impaired their efficiency when they ought to have been most efficient, because so long as the Constitution remains as it is, so long as the incumbent of the presidential office is eligible for renomination and reelection, he must be a candidate for it, for it is the renomination and the reelection that constitute the approval of what he has done, and failure to renominate and reelect is a disapproval of what he has done. Therefore, in the first place, a President is bound to devote a very considerable part of his time to the mere work of securing a renomination and the mere participation in a campaign for reelection.

The duties of the presidential office are growing in importance with every day; the power of the President has immeasurably increased in the last quarter of a century; and so long as you put before the President the view that he must be renominated and reelected in order not to be disgraced he will devote, he ought to devote, a large part of his time that should be wholly employed in the public service to the manipulation and the organization necessary to bring about a renomination and reelection. No man can escape from that temptation. If we could bring candidates from the heavenly regions, with all the exemptions which they have from mortal weakness, they could not escape the temptation which I have pointed out.

Now, it will be said, I know, that that temptation is the very thing that leads Presidents to a faithful performance of their duties. I do not think so. I am not saying, mark you, that the people are not competent to reject a President who has not been efficient and faithful. The history of the country is full of instances in which such Presidents have been rejected. That is not the point that I am trying to make. The point that I am making is the effect upon the administration of the office itself and the weakness that it injects into the work which the President must necessarily do. It makes no difference whether the people reject him or not, his work has been neglected and illy done; and for that wrong, for that misfortune, there is no remedy whatsoever. I believe that a President will more faithfully perform his duty if no influence can approach him from any quarter touching a renomination or a reelection.

What are the duties of a President? They are, first, to execute the Constitution and the laws of the United States; and they ought to be executed without fear, without favor, without influence. They ought to be executed against the rich and the poor alike; they ought to be executed against the great and the small alike; they ought to be executed against the famous and the obscure alike. We have a great variety of laws; some of them are popular and some of them are unpopular; some of them are popular with a certain portion of the community and unpopular with another portion of the community. Those laws will increase in number and they will multiply in importance. What we desire, what we ought to have, is a condition in which the President of the United States will move forward to the execution of these laws blind to personality, blind to influence, blind to the position of those who are to be affected by the enforcement of the statutes. Take, for instance, the statute which I think is the most important of all the legislation of Congress, a statute that vitally affects, I think, the integrity and the permanency of our institutions, a statute which will grow with every day. I mean the statute directed against contracts, combinations, and conspiracies in restraint of trade and commerce. I think that this law—I mention it as one of many—will be more faithfully administered, more energetically applied without respect to persons or conditions, if the President of the United States is free from the influences which these great powers can exert.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. That is one of the strong reasons, to my mind, why this proposed constitutional amendment should not be adopted. The influences which exert themselves against the execution of this law would still operate directly upon the President, but the influence which demands the enforcement of this law, the public sentiment of the people of the United States, will be taken away and entirely destroyed. I think it is well to have in operation public sentiment as well as private interests.

Mr. CUMMINS. It makes no matter, Mr. President, as I said a few moments ago, if the people condemn the action of the President; the action has been had, the wrong has been inflicted. I am endeavoring to support this proposal upon the belief on my own part that it is not so likely that neglect will occur and inefficiency will intervene and partiality be exercised if the President is free from all these influences. I can not think a man whom the people of the United States elect as President of the United States, and therefore a man of high character, therefore a man of great ability, therefore a man of wide and generous experience—I can not think that he is as likely to abandon his duty because he has no hope of reelection as he will be to abandon it under the influence of those who are interested either for or against the administration of the law, when that influence reaches or affects renomination and reelection.

If the people could see everything that is done, could know just why everything is done, and could penetrate the hidden recesses of the presidential thought, that might be so, and part of my objection might disappear, but the people can not understand everything that takes place in the administration of law. The neglect, the inefficiency must be marked and long-continued before it will be or can be condemned by the great mass of the people.

I think, Mr. President, that this proposal, if carried into the Constitution, will work for the highest welfare of the people of this country. I believe as firmly as I can believe anything that these insidious influences, presented under the most extraordinary circumstances—I do not mean, of course, that a President of the United States would deliberately bargain away his integrity and his manhood; but the thought I have in mind is this: The President wants to be renominated and reelected; a man approaches him in order to influence, as he may think very properly, his conduct in the administration of the law; the President know that this man holds high position in the community in which he lives and is capable of exercising great influence upon the thought and action of his fellow men; the Presi-

dent knows also that if he is not renominated and reelected the rejection will be the equivalent of a condemnation of his Presidency—there is no mortal man who will not be moved by that influence. He may be unconscious of it; he may insensibly take on the opinion that seems to him the one best adapted for his renomination and reelection, but it is not within human nature to wholly reject the influence.

Mr. BORAH. Will it interrupt the Senator if I ask him a question?

Mr. CUMMINS. Not at all. I shall be very glad to have the Senator do so.

Mr. BORAH. If this is a legitimate argument—and the Senator is presenting it with great effect—suppose we take this illustration: The Senator has referred to the enforcement of the Sherman law. Let us assume that some powerful interest is opposed to the enforcement of the Sherman law and representatives of that interest visit the President; they present their view of it, and more insidious influences operate than the insidious influence of reelection; and suppose those insidious influences have their effect. The counterbalancing influence is the public demand that that law shall be enforced. I sincerely think that when you take away the counterbalancing influence, the public demand, and remove the President from the touch of the public influence, you leave him to deal alone with the private interests which may operate in this insidious and subtle way with a President of the United States, if we are to assume that the argument is legitimate at all.

Mr. CUMMINS. I have assumed that it is legitimate, because it seems to me to bear directly upon the merits of the matter.

Mr. BORAH. I did not mean to say that it is not; but if it is an argument to be taken into consideration that a President can be affected by these influences, then there are two influences operating one against the other—the one represented by the public demand, the other represented by the private interests operating in a subtle and secret way.

Mr. CUMMINS. No, Mr. President; I do not look upon the equation from that point of view. I assume, now, that the President is an honest man. I assume that the people have acted with intelligence in selecting him as President. I am assuming that he intends to remain honest during the course of his administration. I am assuming that he desires faithfully to execute the law as he understands the law and as he recognizes his duty. I do not think any man who would probably be elected President of the United States would be deflected from the path of his duty by these influences unless they should be coupled up with a desire of his own—a desire to accomplish a thing which he would stand condemned before the American people if he did not accomplish.

I can not think we will install a President whose instinct is to do wrong. I believe the history of the country will sustain my assertion that our Presidents have been honest men and they have desired to do their duty. But the conflicting interests and conflicting emotions which must reside in the presidential mind or conscience when he must balance up his course in a particular matter with respect to its effect upon his political future I regard as a most flagrant weakness in our institutions.

I do not think he ought to be compelled to undergo the temptation. I think he ought to understand that when he reaches the Presidency he has attained the climax of human ambition, and that when he presides for a period of years over the fortunes of the greatest Nation on the face of the earth his ambition ought to be satisfied. So far as he is concerned, we will work no injury upon him by excluding him thereafter from the office. The only question is whether the people will have a President who will more faithfully perform the duties which have been imposed upon a President by Constitution and by law if he is free from the ambition to court any interest or any influence save the influence that grows out of an honest execution of his duties, or whether we ought to put him in the maelstrom of politics from the beginning to the end of his administration—put him where he must travel from one end of the country to the other, appealing to the people in precisely the same way as does a candidate for any other office.

I think the work of a President of the United States is sufficient to consume all his time. It is sufficient to demand all his strength. It ought to require his undivided and his persistent devotion. And even then it may grow too great for mortal man successfully to perform.

But you will observe I have not mentioned the matter of patronage. That does not affect me very much. I have not had much experience in patronage myself, and I care very little about it. I know that vast power grows out of its distribution. All I have to say about that part of the matter is that any President who attempts, either through the use of patronage, through its grant, or through its refusal, to influence any other department of the Government or any member of any other department of the Government, or who attempts to influence any man in the United States in his primary relations to the Government is not only utterly unfit for the office but falls under the specific condemnation of the Constitution of the United States.

I am not a believer in this notion that the President of the United States is the administration of which he is a part. I am not a believer in this modern sentiment that we elect Presidents of the United States to establish policies and to ordain the course which the Government should take during the time they may be in office. We do not elect Presidents for any such purpose. If the man elected President by his intrinsic or inherent worth is able to influence public opinion in a legitimate way, he has a perfect right to do it. But he has no right, moral or legal, to use any part of the power bestowed upon him by virtue of his election to influence anybody or to influence any event. He may recommend, according to his views, legislation which he thinks should be enacted. That is entirely within his constitutional privilege. He may inform Congress as to the state of public affairs. That is entirely within his privilege. But aside from these two things the President who performs the duties of his office, who administers the laws of his country with any view whatsoever to his own reelection, and who attempts to use the power of his office, either for that or for legislation, violates not only the ethics of good government but the Constitution of his country as well.

As great as the office is, as much power as it has, I think we have been in recent years assigning to it a place which it does not occupy in the framework of our Government, and we have been magnifying it in a way which will ultimately destroy the independence of Congress and make a President of the United States, whether for one term or for many terms, the practical dictator of our affairs.

That leads me to just one last remark. I have heard it said several times that when we establish the principle of a single term we overturn the work of the fathers, that we reverse a result which they reached deliberately and, of course, for a patriotic purpose. I have thought that those who have hitherto spoken upon that subject—I mean within the last day or two—have somewhat misapprehended the history of this controversy in the Federal convention which prepared and submitted to the people the National Constitution; and I intend to call attention, for just a moment, to what actually did happen there.

When this convention met, immediately after its organization, two plans of government were proposed, one by Edmund Randolph, of Virginia, another by Charles Pinckney, of South Carolina. Under the Randolph plan the President of the United States was to be elected by what he called the National Legislature—what we know as Congress—and was to be ineligible for reelection. In the Pinckney plan there was no provision as to the method of electing a President of the United States, and he was to be eligible for reelection. Hamilton's plan, which came a little later, provided for the election of a President by electors and that he should hold his office during good behavior.

A report of the committee of the whole house was made on June 19, 1787, and in that report, submitted to the convention as a convention, the Randolph idea was adopted. I need not go through all the debates that occurred between the submission of the plan and the report I have just mentioned.

By the report of that committee—the committee of the whole—to the convention the President was to be elected by the Congress, or National Legislature, and was not to be eligible for reelection. I only mention that to inquire further the reason given for the ineligibility. There was but one. It was reiterated a great many times and in a great many forms and varieties of phrase. When all is said, the reason was that the President of the United States should be independent; that he should not be subject to the influence of Congress; that he should be free to execute the laws of the country in the way that an upright conscience would demand. Therefore so long as the Federal convention held to the idea of electing a President by the National Legislature, so long it held to the idea that he must be ineligible for reelection.

I have now stated what occurred on the 19th of June, 1787. I may say, however, that the term during all this time was to be seven years. Finally, on the 26th of July, the resolutions of the convention which declared ineligibility were referred to a committee of detail, whose power was to look them over and again report. This committee was composed of Rutledge, Randolph, Gorham, Ellsworth, and Wilson. That committee reported on the 6th day of August, and it reported in favor of an election by the National Legislature and ineligibility for

reelection. From that day until August 30 the subject was not considered. On August 30 those subjects which had been postponed were referred to a committee of 11, one from each State.

On September 4 this committee of 11 reported a modification of this article, reducing the term to four years, entirely changing the method of electing the President and saying nothing respecting ineligibility, being substantially the plan that was finally adopted in the Constitution—an election by electors chosen by the several States.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. Certainly.

Mr. LIPPITT. While the Senator is reviewing that part of the proceedings of the constitutional convention, I hope he will not fail to call to the attention of the Senate the fact that the question of ineligibility was closely related to the method by which the President was to be elected. So long as the President was to be elected by what was then called the National Legislature—what we now know as Congress—the members of the convention, as I remember, seemed to be very fixed in their determination to have the President ineligible for reelection. His relations with the National Legislature itself were to be so close that it was thought quite inadvisable that a President and a National Legislature should be in those relations to each other with regard to the reelection of the President that they were also in concerning the constant daily transaction of business.

One of the great reasons why that method of selecting the President was not decided upon was because, on mature consideration, the convention was opposed to making the President ineligible. One strong reason for finally selecting the present method of electing the President was to get over, as I remember, what they considered the inadvisability of making the President ineligible for another election.

I simply desire to call that view of the matter to the Senator's attention.

Mr. CUMMINS. Mr. President, in most of what has just been said by the Senator from Rhode Island I agree, because it recites historical facts. I had already stated that the original plan presented by Mr. Randolph required the election by the National Legislature, and that the President was to be ineligible, because it was feared that there would not be sufficient independence of action upon his part, and it was desirable that the President should be independent in the conduct of the office. During the whole of the convention they were seeking for some plan for the election of a President of the United States that would make him independent, that would insure the execution of the law without fear or favor, on the part of the President, of anybody or toward anybody.

The Senator from Rhode Island is quite right in saying that the matter of ineligibility was closely connected with the method of electing a President; but after all the principle that was present in the minds of the members of the convention and the problem that they were seeking to solve was, How can we get a President of the United States who will be free of all influence in the performance of his duty? It was believed——

Mr. WORKS. Mr. President——

Mr. CUMMINS. I will yield in just a moment. It was believed finally, when they had fallen upon the idea of electing a President, not by the National Legislature but by a body of electors chosen by the several States, that they had succeeded in discovering a plan that would make the President of the United States an independent branch of the Government of the United States.

I now yield to the Senator from California.

Mr. WORKS. In discussing this question some time back I made a part of my remarks the proceedings of the Constitutional Convention, and it was shown by the proceedings that at one time during their deliberation a majority of the States voted in favor of the particular proposition that is now before the Senate, except that the term of office was fixed at seven years instead of six. To my mind it is perfectly evident that the outcome by which we have our present system was a compromise between the two extremes upon that question, which was discussed day after day and presented at various times. There was a conflict between the two extremes in respect to it, some of them going to the extent of desiring that it should be made a life tenure. It is perfectly evident to me, from a consideration of the proceedings themselves, that the present mode of selecting the President and his term of office was a compromise that was not really satisfactory to either branch of that convention.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The vote which was taken by the several States in favor of the proposition as it is now proposed was taken at the time when they still had before them the proposition of electing the President by Congress. Never after the proposition of electing by the electoral vote was agreed upon was there any considerable support in the convention for the ineligibility of the President.

Mr. CUMMINS. I agree with the statement of the Senator from Idaho. First, let me say that the work of the convention went to the committee of 11, with the provision that the President was to be elected by the National Legislature for seven years and that he was to be ineligible. That is the way it went to the committee. But when the report came in from the committee—and this was very near the close of the convention—the Randolph provision had been stricken out and the plan of electing by electors had been adopted and the term reduced to four years, without saying anything whatever as to eligibility or ineligibility. After that time there was practically no discussion of the subject and little division.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. There was no practical discussion of that question, because that occurred right at the close of the convention.

Mr. CUMMINS. Precisely; within a very few days of the close.

Mr. WORKS. And as a matter of fact it received very little consideration, as far as the record shows.

Mr. CUMMINS. Hardly any.

Mr. LIPPITT. Mr. President——

Mr. CUMMINS. I yield to the Senator from Rhode Island.

Mr. LIPPITT. I do not want to inject myself unduly into the very careful speech which the Senator from Iowa is making on this question, but the statement has just been made that the final decision which was reached by the Constitutional Convention was a compromise. I have in the course of considering this question examined the proceedings of that convention with considerable care, and I can not agree to the statement that the final result was in any degree a compromise.

To my mind it was not only not a compromise, but after the most mature deliberation of this question, after taking vote after vote upon it, and after considering it from every different standpoint, because the questions of the duration of the term, of eligibility, and of the method of election were all inextricably mixed up with each other—I say, after considering all these relations with the greatest care the final result was a victory, complete, final, and decisive for the method of election which we now have in force. The original idea was that the term of the President should be seven years, that he should be ineligible, and that he should be elected by the National Legislature. The final result of the discussion, which was very elaborate and during which there were votes taken upon many methods, was the adoption of the present method. This was the opposite extreme of the method first proposed.

Therefore I fail to see where there was any element of compromise in it or where there was anything but evidence of entire conviction after the most mature deliberation.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I think the personal equation entered into this matter very much, though of course it could not be discussed before the convention. George Washington presided over that convention. Everybody knew that he was going to be the first President of the United States. Everybody knew that he was the only man in America in whom all Americans had absolute confidence as to his integrity and his wisdom, especially his integrity, and his patriotism. That seems to me to have been the case, reading more between the lines than in the discussion itself, because that matter could not have been discussed out loud in the convention, but men talked to one another about it. It will be remembered that the school which followed Mr. Jefferson was in favor of seven years at first, with ineligibility forever afterwards, and he expresses why they changed their desire in a letter a part of the language of which, with the permission of the Senator from Iowa I will read. This is what he said when he gave up this idea, and wrote to his friends to give it up. It had been put in the Constitution as it

is, and the point was as to whether they should insist upon that as one of the amendments conditional to the ratification of the Constitution. He writes:

Indeed, since the thing is established—

That is, this four years term, with indefinite reeligibility—

Indeed, since the thing is established I would wish it not to be altered during the life of our great leader—

Referring to Washington—

whose executive talents are superior to those, I believe, of any man in the world, and who, alone, by the authority of his name and the confidence reposed in his perfect integrity, is fully qualified to put the new Government so under way as to secure it against the efforts of opposition. But having derived from our error all the good there is in it I hope we shall correct it the moment we can no longer have the same name at the helm.

I think that thought running through the minds of very many accounts for the fact that although a majority of that convention at one time desired to put ineligibility into the Constitution after a fixed term, they finally took the position which they did take. Very many people were of the opinion that, except for George Washington being President and being reeligible as long as the Nation needed him at that time, we could not get our institutions out of the wet mold and get them dry set, as I expressed it the other day. I think the personal equation had much to do with it.

Mr. LIPPITT. May I interrupt the Senator further? The Senator from Mississippi is bringing the name of Thomas Jefferson into this question. On the contrary, Jefferson had absolutely nothing to do with the formation of the Constitution. Jefferson was in Paris at that time.

Mr. WILLIAMS. I said this was a letter written from Paris, did I not?

Mr. LIPPITT. If the Senator from Iowa will pardon me one minute, Jefferson was in Paris at that time, and when the draft of the Constitution was sent to him one thing that he more than anything else objected to was this question of the eligibility of the President. He felt that it would inevitably result in a permanent President, and in the most extravagant language wrote those views to several of his friends in this country. On the other hand, George Washington, who while he took no active part in the debates on this subject, writing just a short time after the receipt of Jefferson's letters in this country on the same subject, said that the matter had been decided to his full satisfaction.

As a plain matter of fact, when the final vote upon this question was taken it is rather a curious illustration of the way the minds of the men who composed that convention changed as the result of their deliberations; the only State that voted against the present method of electing the President was the State of North Carolina, which, when the first vote had been taken for the purpose of making the President ineligible and his term seven years, had been one of the States that had voted against that method of electing the President, assuming probably that they were in favor of a shorter term of eligibility. In other words, all the States that had been at first in favor of noneligibility came over to the side of eligibility, and the State that voted finally the other way was one of the States that voted against it at the first instance. As a matter of fact, with scarcely an exception all the men who composed that convention finally came to the view which has been engrafted in the Constitution.

Mr. WILLIAMS. If the Senator from Iowa will pardon me just a moment longer, I was rather unfortunate if I conveyed the impression that this was the language used by Mr. Jefferson in America. I thought I said he wrote the letter from Paris to his friends after the Constitution had been decided upon and had been submitted to the people. That is what took place.

The people who were opposed to the Constitution as it first came from the convention were opposed to it mainly upon three grounds: First, that it contained no bill of rights; secondly, that it contained no express assertion that all authority not delegated was reserved to the States—they insisted upon that—and, third, this question of the ineligibility of the President. This letter was read by me to show what Mr. Jefferson from abroad advised his friends; and, by the way, his letters were used in the Virginia convention to secure the adoption; and had his great name and influence been with George Mason, and with Monroe, and with Richard Henry Lee, and the other men who were opposing the adoption Virginia never would have adopted the Constitution, and if Virginia had not adopted it the scheme would not have gone into operation.

I quoted it to prove that he recognized at that time—that it was in his mind and therefore by analogy to infer that it was in other people's minds—that during the lifetime of George Washintgon, at any rate, this ineligibility should not be engrafted upon the Constitution, he himself saying that "the thing having been established as it is now, I would not have it changed during the lifetime of our great chief," as he called him. I think that idea was in the mind of very many of the people in the convention. It evidently was in the mind of somebody who had written to Jefferson, to whom Jefferson was replying in writing this letter; and it was in the mind of very many people, and very reasonably so, too. After the Government was once taught to march properly, after it had become stable, after the people had become accustomed to the institutions, after the Union had lasted long enough to cement its several parts together, then he helped for a change to the first principle that he had advocated.

Mr. CUMMINS. I fear this very interesting discussion about an immaterial matter has obscured the point I was trying to make.

However, I might as well add the result of my recollection as to the matter that has now been propounded. The truth is that there was a very large amount of discussion on this question from the beginning of the convention up to the middle of July, but although it had been decided this way and that way, and possibly half a dozen different times, finally, on the 26th of July, the convention submitted to the committee that I have already mentioned the resolutions which up to that time had the concurrence of the convention tentatively, and those resolutions included a seven-year term election by the National Legislature and ineligibility.

On the 6th day of August this committee reported, approving the resolutions in that respect and recommending the adoption of a constitution containing those provisions.

Now, mark you, that was on the 6th day of August. Then ensued weeks of discussion, but not upon this subject. On the 30th of August a committee of 11 was elected which reported on September 4 substantially in favor of the Constitution as it now is in this respect. The convention adjourned within a few days after that time, as I remember it, and there was no extended discussion upon the question after the report of the last committee. The votes had mainly been taken before then. I do not remember of any important debate that occurred upon the resolutions after that time.

I did not, however, refer to the history of the convention for the purpose of ascertaining whether it was for or against ineligibility. It finally was against ineligibility, and I accept that. It was against it, however, because it believed that it had found a plan of election through which the President would be independent of all influences save his own sense of duty. I have brought it to the attention of the Senate because I believe that the developments of the 125 years or more of our national existence, the national experience, the observations of thoughtful patriots, must lead us to believe that influences have arisen since the adoption of the Constitution, unknown and unanticipated by its framers, which ought to be guarded against as sedulously and as effectually as the fathers attempted to guard against the undue influence of the National Legislature over the Executive.

I agree that our forefathers intended that the President of the United States should be free and independent; I agree that they believed that he ought to be undisturbed and unvexed by any thought save the execution of the Constitution and the laws of the United States; they believed that they were devising a plan that would accomplish that result. History, however, has taught us that they failed to perceive the influences that would arise. They failed to understand that a President in office and eligible to reelection must devote his time, his abilities, and his power for reelection in order to escape the censure that would otherwise be inferred. When we propose here ineligibility, we are proceeding upon the same principle which animated our forefathers; we are seeking to protect the presidential office against the same dangers in character that were present in the minds of the men who finally adopted the Constitution, and I believe that we can render no higher service to the people of this country than by giving them a chance to exercise the most important, the most sacred, the most vital power or privilege which the freemen of any country can exercise—the opportunity to say what their Constitution shall be in the days to come.

Mr. CRAWFORD. Mr. President, before the Senator takes his seat I desire to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I am very glad to yield.

Mr. CRAWFORD. The Senator has made a very interesting presentation of his views. I confess, however, to being a little disappointed at his not developing or considering in his remarks more than he has done this phase of the question: What advantage is gained or what compensation have the people in re-

turn for giving up the check and restraint which they can now exercise upon the President by reason of their having the power at the end of four years to put the seal of condemnation upon his acts? For instance, an active campaign is waged, one of intensity, one of very deep interest, among the whole people of the United States in relation to the solution of a great controversial issue, and a President has been elected who the people expected would represent their view in the settlement of that controversy, and within three or four months after his election and after his being installed in office they discover that, while he may not be corrupt or dishonest, his real sympathies, the real viewpoint by which he is governed, is not what they expected it to be, and that influences far more conservative, on the one hand, perhaps, or far more radical, on the other hand, perhaps, than the viewpoint which they expected him to take is the viewpoint by which he is being governed. Now, if he can immediately assure himself that he can follow his own bent and inclination without harm, because he is going to hold this office for six years, and the people have no power to exercise any influence or check or restraint upon him, and the coterie of advisers who are congenial to him, who may represent him, and whom the people consider absolutely inimical are his chief advisers, they are helpless, because this opportunity to put the seal of condemnation upon his acts in the case of reelection within the shorter period during which he can continue to abuse their confidence has been destroyed.

Mr. CUMMINS. Mr. President, in so far as the real duties of the Chief Executive are concerned, I think I have answered the question propounded by the Senator from South Dakota. It is plainly evident that his view of what a President should be and what he should do is vastly different from mine. I deplore the fact that the Presidents of the United States have in recent years attempted to be or to manage the Government of the United States, have attempted to establish policies to which they have coerced everybody who could be brought within the influence of their great power. I do not look upon a President of the United States from any such standpoint. I think he is elected to execute the law, and that he ought to do it without courting the popular favor or the favor of special interests. The President, if he is conscientious, has vastly less discretion than would appear from the general view that we accept now of Presidential duties. I think the people of this country ought to be taught that their legislation is to come from Congress and that the policies of the country, so far as they are established and perpetuated by legislation, are to be established by Congress. I therefore have not looked at the question from the standpoint occupied by the Senator from South Dakota.

Mr. CRAWFORD. Well, Mr. President, I can see that in its relationship to the people the Senator would give narrower scope and environment to the office of President than I would. I think it is absolutely right that the President should seek to be of assistance to the American people in shaping policies; but that is not the particular idea I wanted to emphasize.

Mr. CUMMINS. As a man that is true, and as a President, he may recommend to Congress whatsoever he desires; but I do not believe, as I have often said, that a President, nominated by a party and elected by the people, should be permitted to set up a standard of loyalty or of patriotism, either to the party or to the country, and to hold every man disloyal who did not accept it.

Mr. CRAWFORD. But I want to call the Senator's attention to another feature, which I regard as a very important one, and that is, the opportunity to bring to bear upon the conduct of public officials, whether they are in Congress or whether they occupy executive offices, the power of the people of the United States to bring to bear upon them the effect of wholesome public opinion. The Senator knows that oftentimes a lethargy is in possession of this Congress, so that year after year goes by and no action whatever is taken, although a clamor exists among the people of the United States for some specific relief—it may be railway legislation; it may be tariff revision, or what not—and yet we are sluggish, inactive, unresponsive, and finally the power of public opinion knocking at these doors compels results. Now, I would have the power of public opinion have the same opportunity to influence Executive action. If Executive action is slow, unresponsive, hesitating, or if Executive action is inclined to be wrong, I think this opportunity to put the seal of disapproval upon the conduct of the Executive furnishes one of the strongest weapons in the hands of the people to compel the consideration of public interests that the people have in their possession; and would not this amendment absolutely take it away?

Mr. CUMMINS. Not at all, Mr. President, unless it is assumed that the people deliberately select a scoundrel for President of the United States. If they do make so unwise a selection as that, of course I think some of the results that have been indicated by the Senator from South Dakota would follow; but I am assuming that a man enters the presidential office with honest purposes, with the intent and capacity to execute or perform his duty, and I am seeking simply to remove from him those influences which, in my opinion, will and which, in my opinion, have, in a great many instances, diverted the Chief Executive from the path that he ought to have pursued.

During the delivery of Mr. CUMMINS's speech,

Mr. BRANDEGEE. I send to the desk a proposed amendment that I intend to offer at the proper time, or I will offer it now if I may do so and have it pending. I am obliged to leave the Chamber, and that is the reason why I ask leave to offer it now. I will discuss it later.

The PRESIDENT pro tempore. The Senator from Connecticut proposes the amendment now?

Mr. BRANDEGEE. I will propose it now if it is in order. I am not familiar with the parliamentary situation.

The PRESIDENT pro tempore. The joint resolution is still in Committee of the Whole.

Mr. BRANDEGEE. I thought it was in the Senate.

The PRESIDENT pro tempore. It is not.

Mr. BRANDEGEE. My impression is that the RECORD shows it is in the Senate.

The PRESIDENT pro tempore. The RECORD does not show that.

Mr. BRANDEGEE. Very well. Then I do not desire to offer the amendment as in Committee of the Whole, because it is similar to one that was voted down in Committee of the Whole. I will present it in the Senate.

After the conclusion of Mr. CUMMINS's speech,

Mr. SUTHERLAND. Mr. President, I offer an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Utah submits an amendment to the amendment of the committee, which the Secretary will state.

The SECRETARY. On page 2, line 10, of the committee amendment, after the word "election," it is proposed to insert:

Provided, That the foregoing shall not operate to extend the term of the President in office at the time this amendment is adopted.

Mr. SUTHERLAND. Mr. President, I am not certain whether the amendment is in order in Committee of the Whole, in view of the amendment offered by the Senator from Pennsylvania [Mr. OLIVER], which was voted down, and I submit that parliamentary question to the Chair.

The PRESIDENT pro tempore. If the amendment is identical with the amendment which was voted down, the Chair would be of opinion that it ought to be withheld until the joint resolution shall have been reported to the Senate.

Mr. SUTHERLAND. Then I give notice that I will offer the amendment when the joint resolution reaches the Senate.

The PRESIDENT pro tempore. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Ashurst	Cummins	Lippitt	Simmons
Bankhead	Dillingham	McLean	Smith, Ariz.
Borah	Fletcher	Martine, N. J.	Smith, Ga.
Bourne	Gallinger	Nelson	Smith, Md.
Bradley	Gamble	Oliver	Smoot
Bristow	Gronna	Page	Stephenson
Burnham	Hitchcock	Paynter	Swanson
Burton	Jackson	Percy	Thomas
Catron	Johnson, Me.	Perkins	Thornton
Chamberlain	Johnston, Ala.	Perky	Townsend
Clapp	Jones	Poindexter	Wetmore
Clark, Wyo.	Kavanaugh	Richardson	Williams
Clarke, Ark.	Kenyon	Root	
Crawford	La Follette	Shively	

The PRESIDENT pro tempore. On the call of the roll 54 Senators have answered to their names. A quorum of the Senate is present.

Mr. POINDEXTER. Mr. President, I do not desire to go over a second time the merits of this resolution. I can not consent, however, that a vote shall be taken without some reference on my part to the argument made by the Senator from Iowa as to the duty of the Senate to submit this resolution to the people in the nature of a referendum.

The charge of the Senator from Iowa that those who are opposed to this resolution are opposing a progressive measure, a measure which represents the principles of a political movement which has come recently to be known by that name, coming from that Senator, who has been such a distinguished

champion of progressiveism in the United States, is a charge which can not be passed over without some defense.

The Senator from Iowa has for many years, in his own State and throughout the Nation, come to be known as a champion of liberal policies. He led a movement which his party finally accepted by a declaration in its platform; and if the party, when it was returned to power after a campaign conducted upon that platform, had kept its pledges, the division of the party which has taken place and its deposition from the seat of government would not have occurred.

I do not share, though, the pessimism and the discouragement expressed by the Senator from Iowa as to the hope which he said he once had, and which I think all progressives had, and most of them still have, that there would be a real and a natural division of political parties in this country by which, on the one hand, those who advocate progressive policies would gather themselves in a party which might be called a liberal or, if you choose, a radical party, drawing to itself progressive elements from all of the old parties, or from those of no party; and, on the other hand, those who were opposed would gather themselves together in a tory party, or a conservative, reactionary, or standpat party. I say, I can not share his feeling that that result will not yet come about.

I think there is a seething movement lying underneath the surface of party organization in all of the old parties which is constantly tending toward that end. I think there has been an actual accomplishment—sometimes not acknowledging itself by the adoption of a party name, but shown by the votes in both branches of Congress, shown by the cooperation of members of different parties who believe in progressive principles, in the States, and in the conduct of campaigns—proving that this movement is not only not hopeless, but that it is gaining ground, that it has accomplished results, and that ultimately there will be here, as there is in every other country which has a government by party, a logical division between those of liberal and progressive principles and those who believe in reaction.

Mr. President, it is certainly a legitimate argument on the part of the Senator from Iowa that if the question before the Senate is in the nature of a referendum, as he contends it is, it would be in line and in harmony with and in fact would be required by the principles of the Progressive Party, regardless of the individual views of the Members of the Senate that they should adopt the resolution, not for the purpose of expressing their conviction upon the merits of the matter, but for the purpose of submitting it to the people that the people might decide whether the Constitution was to be amended or not.

I am willing to agree with the Senator from Iowa that the Constitution should be more elastic, that it should be more easily susceptible of amendment, that it should be in a larger degree, at least, more responsive to the people. It is difficult for me, however, to harmonize that portion of the argument of the Senator from Iowa with the concluding part of his argument, in which he seemed rather to tend to the opposite extreme, judging from the illustrations which he made, in which he seemed to contend that the Constitution should be fixed so that the people could only with great difficulty change it, and that it was necessary for the people——

Mr. CUMMINS. Mr. President——

Mr. POINDEXTER. Just allow me to conclude the sentence—to put restraints upon themselves which they were not able with readiness to remove, to bring about just and orderly government.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield.

Mr. CUMMINS. Mr. President, the Senator from Washington has very greatly misunderstood me. I am sure nothing I said would bear that interpretation, because it has been one of the fundamental tenets of my political faith that many of the obstacles in the way of amending constitutions ought to be removed. I think there ought to be an initiative with regard to the Constitution so that the people themselves, without the intervention of any legislative branch of the Government, could compel the submission of a constitutional proposal.

Mr. POINDEXTER. I understand that that is the Senator's view. I have always understood, at least, that that general policy was advocated by the Senator.

Mr. CUMMINS. I do not think, however, that the people ought to change their Constitution without the opportunity for mature and deliberate reflection and consideration. I am sure the Senator will agree with me in that.

Mr. POINDEXTER. Entirely.

Mr. CUMMINS. When it comes to the merits of a particular proposal, that is quite a different matter. I believe there are rules which the people ought to lay down for their own guidance and that they ought not to depend upon their action at a particular time respecting many of the subjects of government. I think the Senator from Washington will agree with me about that.

Mr. POINDEXTER. I do agree, and that is why I am not discouraged in the belief that we will be able to cooperate toward that one grand, and I hope not far off, if not divine event—the uniting of all progressives in one party.

Mr. CUMMINS. I am not pessimistic about that.

Mr. POINDEXTER. The fact that we may differ about this particular measure does not discourage me in the belief that we may agree about the underlying principle, because the question here is simply as to a means for accomplishing a result upon which I think we are in harmony.

Mr. CUMMINS. I hope the Senator from Washington will not think I have any doubt about the progress, with accelerated speed and effectiveness, of the great progressive movement of the last decade. What I said with regard to that was that I rather despaired of being able to gather the progressives into a single political organization, in view of the great difference of opinion among progressives as to the merits of a particular measure.

Mr. POINDEXTER. There always will be that difference of opinion about particular measures or particular agencies. I do not think it is cause for discouragement, for instance, that we have different opinions about this particular measure. Just as it is said "there is one glory of the sun and another glory of the moon and another glory of the stars, and one star differeth from another star in glory," so real Progressives differ as to the means and agencies for bringing about the result upon which they are agreed.

I think we are all agreed, for instance, that there should be in this country a rule of law rather than of men, and that it should operate uniformly and equally on all alike; that force and violence and fraud, from whatever source, should be subjected to the law. I mention these very general propositions because it is a live question. We have seen the rule of law departed from, and the rule of force and violence and fraud and bribery substituted in its place, both by those who are mighty in their power, although private citizens, and by those who are their servants. We have seen the corporations use these means, and we have seen the labor unions use them.

I understand that all progressives are agreed that one object to be accomplished by this great movement is that all, whether individuals or corporations or labor unions, shall be subjected to law, and that the law shall operate upon them all equally. That is one general principle upon which we are all agreed. I am sorry to say that there are many political opponents of ours who, while they may pretend to believe in that doctrine, do not practice it; and many of them boldly admit that they do not believe in it, but assert that there must and ought to be special privilege and special exemption in this country.

I think we are all agreed that, while there is wealth and ought to be, and while it should have its personal enjoyment and opportunity and the social advantages which wealth gives, wealth should not command legal advantages; that mere money should not be above manhood nor above the Government nor above the officers and the Senators of the people, but that the officers of the Government should be above mere property and its agents.

I think we are all agreed, as progressives—most of us, at least—that while the natural resources of the country and the great wealth of the public lands should be developed, and even developed by private means, for the increment and for the benefit of the private means which develop them, yet there should be attached to that development, and to the franchises under which it operates, certain conditions and restraints by which the Nation whose property this is shall share in the profits and in the increment which comes from its use and its enjoyment. There are many of our opponents who do not believe in that principle, but who are seeking, by one means or another, to escape from it, sometimes by advocating State control of natural resources, which, in their minds, means no control at all.

It is true, as I said, that I agree with the Senator from Iowa that the people should have reasonable opportunity to amend the Constitution.

If we were operating here under an elastic law by which, upon certain conditions, this resolution coming before us should be submitted to the people for their consideration and rejection or ratification, I would readily consent that we should so act. I would favor a law of that nature, of course with certain restrictions and under certain conditions.

But I can not consent to the doctrine advanced by the Senator from Iowa that we must surrender our opinions as to the merits of this resolution, and that because it is presented here by a

Senator and advocated by some Senators, and because, as is said, during the 124 years of the life of Congress under the Constitution a number of similar resolutions have been presented, and because Thomas Jefferson in his time, which was a century or more ago, favored this principle, we must surrender our judgment as to what is best for the American people to-day and permit the resolution to take its course under the Constitution after Congress has ratified it by a two-thirds vote.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. As I understand it, if the Senator will excuse me, while Thomas Jefferson seemed to favor a continuous term, did he not connect that with the principle of the recall by the people of the President if he was unsatisfactory?

Mr. POINDEXTER. He did. Furthermore, I would say upon that point, that whatever Jefferson may have advocated—a letter was read here this morning which indicated that he did not advocate the ineligibility of the incumbent to such an extent that he opposed the adoption of the Constitution on that account—whatever may have been his views or whatever may have been the views of some of his contemporaries or their successors in the conduct of public affairs in this country, it still remains that the consensus of opinion in the Federal convention and in the decades which followed it from that time to this has been opposed to this contention.

When the convention adjourned it appeared to be unanimously in favor of the system which is now established. Many similar resolutions have been introduced in Congress, but they have never met with sufficient favor, so far as I am informed, to attain a two-thirds vote in either branch of Congress.

The Senator from Iowa assumes that there is a public demand for it, and on that account he would submit it to the people and surrender our views upon the merits of it. I disagree with him upon that. I want to cite an instance, and I hesitate to do it because I think probably my motives will be misconstrued. I wish to call attention to the condition of affairs when Mr. Roosevelt went out of office. I say it without any consideration whatever of personal affiliation or personal preference as to the Presidency or personal ambition or personal desires. I sincerely believe, and I think it will be admitted by many, at least, of those who are frank and who apparently opposed Mr. Roosevelt, that, notwithstanding the fact that he had served practically two terms in the Presidency, he would have received the approval of the American people by election to a third term if he had been willing to receive it at that time.

It indicated the view of the American people on the doctrine of ineligibility when more than 4,000,000 votes were cast for Mr. Roosevelt in the last campaign, conducted with an imperfect organization, after an effort of a few weeks by a new and untried organization, gotten hastily together. Does that indicate that the American people have any deep-seated conviction that under those circumstances they should not reelect a man who had already served in the Presidency? I do not think that it does.

I have not seen any evidence, I have not seen nor heard in the address of the Senator from Iowa anything upon which I think it can be predicated that any substantial proportion of the American people are concerned in the adoption of this resolution. But even if they were, is it incumbent upon us, upon the record here and upon the showing which has been made, to throw aside our convictions upon this particular measure because we might believe in a referendum or in the elasticity of the Constitution and act contrary to our convictions upon this question? However elastic the Constitution might be, and however the referendum might be established, under any system when men in the Senate and out of the Senate are called upon to vote they are supposed to vote their judgment and their convictions upon the particular thing on which they are voting and not to vote in favor of an amendment to the Constitution, a very important one, which they do not believe in and which they think would be injurious, which they believe would be dangerous, which might be of fatal consequences in some crisis, in order to indicate that they are in favor of a general principle which is involved. Yet that is the substance of the argument of the Senator from Iowa.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield to the Senator from Iowa.

Mr. KENYON. The Senator has touched the point that has troubled me a great deal in this discussion, and I should like to ask him a question. If a substantial part of our population desired certain changes in the Constitution and the only way they could reach that matter would be through their legislatures, the legislature or the convention approving it, and if the Senator did not believe in the proposition that a substantial majority of the people might want, would he still believe it was his duty to vote to give them a chance to express their belief, regardless of his own opinion?

I am not in favor of this amendment, but this is not the adoption of the amendment to the Constitution. It is merely giving a chance, in the only way there is a chance, for the people, acting through their legislatures, to amend the Constitution. What is the Senator's idea about that?

Mr. POINDEXTER. My idea about that is that if a Senator is opposed to the resolution strongly, if his convictions are fixed, if he is of the opinion that it would be a governmental mistake of deep significance, exercising his duty here in a vote which while the Senator says is not the adoption of the amendment may lead to the adoption of the amendment, which is the first step in the adoption of the amendment, he should vote his convictions and his judgment upon the merits of the question. That is what he is here for. That is the function which he is performing as a Senator.

If it were perfectly plain, I will say to the Senator from Iowa, under the Constitution that a Senator in so voting to submit an amendment is not necessarily expressing his convictions on the subject and on the merits of the question, but that he is simply voting in order to give the people an opportunity, and if that were the system under which we were operating, of course a Senator ought to vote that way. It would be his duty to so vote under that system, because he would then be voting in accordance with law, in accordance with the Constitution. But when the Constitution puts the Senate as a political court to determine the merits of the question, their votes are regarded by the people of the country as an indication of their views. Leaders in the several States constitute the membership of this body, and their views may influence the judgment of their constituents to some extent, at least; and their constituents are entitled to their judgment upon the merits of the question.

Mr. KENYON. If the question were to be submitted directly to the people for ratification, then I take it the Senator would be in favor of submitting this amendment to the people regardless of his own view. I do not think the people are influenced very much by the opinion of Senators. It has not been the history heretofore.

Mr. POINDEXTER. I qualified my statement by saying "to some extent." How much or how little would depend on circumstances. It would depend on the Senators and upon the conditions in their States.

I wish to say, however, pursuing the argument a little further, that what I have just been saying was assuming that if we were to submit this resolution it would be in the nature of a referendum, and I was arguing it upon that basis. That is a much stronger case than the one which is before us, because it would not be a referendum to the people. The action of the State legislatures in many instances which are required to ratify this amendment to make it effective, in instances which every Senator can recall, are as far from the popular will and from the desire of an enlightened public opinion as the nadir is from the zenith.

It is not a submission to the people, but it is a submission to a representative body many of whom hold over from year to year in the senates of the several States, which contain all the disabilities and all the disadvantages so far as being a reflection of the popular will is concerned, which has been discussed throughout the country for a generation or more in the contention about the direct election of United States Senators. It has been demonstrated in a great many States that where the people desire one man for United States Senator the legislatures abandoned their duties as legislators and the enactment of laws and devoted an entire session to controversy about the election of men none of whom the people would favor.

I only mention that as illustrating that the votes of legislatures upon this question need not and probably would not represent the popular will. I have known in my own State many times when the people overwhelmingly desired certain legislation it was impossible to obtain it in the legislature. The secret influences which have been spoken of that operate at times upon the high office of President, or with a possibility of operating there, have the same possibility of operating in the legislatures, and do operate there and have operated there. In many

instances it became known and published. Many instances were not known.

The senior Senator from Iowa bases, in part, his argument in favor of this resolution upon its advocacy by some great men in the early days of the Republic. I have already said that while those men advocated it they did not represent the consensus of opinion; but even though they did represent the consensus of opinion, even though it was generally advocated and the Constitution had been adopted contrary to the public will, so far as this provision is concerned it would not be a reason, in my judgment, why we should change the provision at this time, because the conditions under which the country is governed and the necessities and needs as to the Federal Government and the views of the people toward the Federal Constitution have been revolutionized in the last hundred years.

When the Federal Constitution was adopted it was not a Democratic instrument, but it was so framed that the people could not readily control the Government. It was what we would call a reactionary instrument as viewed from the conditions of affairs at the time of the Revolution itself. It was in a great wave of democracy which upheld the armies, the Declaration of Independence, and the principles of government expressed there, and which sustained the great movement against the wealth of the country, against the Tories and the King and Parliament of Great Britain. There had been, after the Revolution, a reaction. There had been a swinging back of the pendulum. There was a jealousy not only on the part of the States but on the part of the people against the Federal Government. They did not need so much government in those days. The purpose of the Government is to restrain the aggressions of the strong against the weaker ones in the community. There were not any very strong in the community in those days. All were comparatively equal.

Now, the question is the control, the regulation, the restraint not only of those who are stronger than they were at the time the Senator from Iowa holds up as a precedent, but stronger private individuals controlling greater influence over the conditions of their neighbors and the masses of the people than any other country ever had in any age of the world.

So the question is where is the authority coming from for the necessary restraint of this power, which in the hands of selfishness and avarice is used to oppress, to extort an undue share from the people of the wealth of the country? It can not come from any source except the Federal Government. The tendency now is not to limit the powers of the Federal Government, but it is to extend them and to avoid the dangers which were apprehended from a strong Federal Government, by at the same time establishing agencies which give the people control over the Federal Government.

I pointed out, and I do not care to repeat it, that one of these new agencies is the nomination of a President by a direct primary, which removes the possibility of the abuse of patronage. We saw in the last election a demonstration as perfect as it could be that this country has nothing to fear from the abuse of patronage under this new system of party patronage—that nomination of a President by the people can not be brought about by the abuse of patronage. Patronage was abused. Patronage was used to every extent to which it could be used to secure a renomination. It was justified by those who used it as having been the practice of their predecessors in office. But the result of it was 8 electoral votes in the electoral college, 4 of them from Vermont gained by a margin of 1,200 plurality, and 4 of them from the State of Utah gained with the support and power of the great religious organization in that State which supported the Republican candidate for the Presidency.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield.

Mr. SMOOT. I think the statement the Senator has just made is not correct.

Mr. POINDEXTER. I am not saying this in any hostile sense toward the State of Utah; I am simply citing as an illustration the narrow margin by which those eight electoral votes were obtained. Is it not true that the president of the Mormon Church issued a public declaration prior to the election advising the adherents of that religious faith to support Mr. Taft for the Presidency?

Mr. SMOOT. It is not true, Mr. President. He did not advise anybody to vote for President Taft. He spoke of President Taft's administration in connection with a statement that he made in relation to the conditions in Mexico. The State of Utah, of course, did not cast the number of votes for President Taft that it did four years ago by something like thirteen or fourteen thousand. I have not the exact figures here.

Mr. POINDEXTER. He got a pretty fine vote in Utah; much better than he did in Vermont.

Mr. SMOOT. I can not state as to Vermont, but the Republican Party carried the State of Utah by between six and seven thousand votes. They carried it four years before by, I think, twenty-odd thousand.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the junior Senator from Utah?

Mr. POINDEXTER. I yield.

Mr. SUTHERLAND. The truth about it is that——

Mr. POINDEXTER. I should like to say in explanation, before the Senator makes his statement—I do not want to be misunderstood about it—that I am not making any attack upon President Smith nor upon the Mormon Church at this time, nor any criticism of what he did. I am simply referring to the fact, if my statement is a fact, and if it is not correct I will be glad to be corrected; but if I am not correct, then there are thousands of good Mormons throughout Idaho and Utah who were misled in this statement, because they believed that the president of the church was in favor of the election of Mr. Taft.

Mr. SUTHERLAND. Mr. President, the fact is that President Taft carried the strongest non-Mormon county in the State, namely, the county of Salt Lake. Indeed, he procured the greater part of his majority——

Mr. POINDEXTER. I think that was probably due to the fact that the junior Senator from Utah lives there and supported him.

Mr. SUTHERLAND. Of course, that may have had something to do with it. I can not enter into a discussion of that. But that is the fact. It is also a fact that President Taft was supported by the strongest non-Mormon newspaper in the State, a newspaper which has been in the past bitterly antagonistic to the Mormon Church. It is also a fact that he lost the vote—that is, a majority of the vote went against him—in two of the strongest Mormon counties in the State, namely, the county of Utah and the county of Cache, where there are comparatively few non-Mormons.

Mr. POINDEXTER. I understood there was an insurgent movement among the Mormons.

Mr. SUTHERLAND. There was an insurgent movement of a limited extent throughout the State. It did not materialize sufficiently to carry the State away from Mr. Taft. But what I am stating to the Senator is a fact.

Now, as far as Idaho is concerned, I have no information as to the vote. It is true that President Smith some time prior to the election, when the administration had been criticized for its conduct in the affairs of Mexico, published an article on that subject, in which, as I recall it, he advocated the attitude of the administration; but he gave no instruction of any kind.

Mr. POINDEXTER. Is it or is it not true that that statement from the president of the Mormon Church, made, I think, on Saturday or Friday, was read the following Sunday morning before the election in every Mormon Church in Utah?

Mr. SUTHERLAND. I do not think that is true.

Mr. SMOOT. Mr. President, I will state to the Senator that that is absolutely false. There is not a word of truth in it.

Mr. POINDEXTER. How many churches was it read in?

Mr. SMOOT. None whatever the Sunday before the election, or any other Sunday.

Mr. POINDEXTER. I am very glad the Senator has put himself on record in that regard. I asked the question. I have seen a published statement to that effect.

Mr. SMOOT. If the Senator undertakes to judge the people of Utah by statements that he may see from time to time in the press, he certainly will misjudge them most of the time, because the press in general contain articles of a sensational character rather than statements of facts.

Mr. POINDEXTER. I did not make the statement, but only inquired of the Senator from Utah in regard to the matter. The statement which I did make as to President Smith is in substance, I believe, correct.

Now, I think that is all I have to say upon the first suggestion of the senior Senator from Iowa [Mr. CUMMINS], in the first place, that we are not called upon here to act in the capacity of passing a referendum, but that we are called upon here to vote upon a constitutional amendment; and, in the second place, that even if we did act as though we were referring a referendum it would not have that effect and there would be no referendum, because there is no opportunity for the people to vote upon the proposition.

Before I pass, however, from the reference of the junior Senator from Utah [Mr. SUTHERLAND] to the matter which was just under discussion, stating that he did not know what the conditions were in the State of Idaho, I want to say that the conditions there were that Col. Roosevelt, who with a number of

other men—it makes no difference whatever to me who it affects—would be excluded by the operation of this joint resolution, if it were adopted, from being a candidate, received over 25,000 votes, without having the names of his electors on the ballot, on account of the decision of a court which under a strained, and as I am advised by competent lawyers in Idaho—and it is my own opinion—an unwarranted construction of the statutes of that State issued a writ of injunction against the printing of the names of the Progressive presidential electors upon the ballot. That was the condition in Idaho.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from Utah?

Mr. POINDEXTER. Yes.

Mr. SUTHERLAND. How does the result in Idaho, under the conditions the Senator has stated, differ from that in California where another candidate for the Presidency was affected?

Mr. POINDEXTER. They differ very radically from the conditions in California, because the Republicans in California had an opportunity to put the names of their electors upon the ballot and refused to use it, preferring, what no doubt, if they were willing to subordinate principle, was a fine piece of political strategy and tactics upon their part, to combine with the Democrats in order to defeat the Progressives.

Mr. SUTHERLAND. The decision in California, as I recall, came too late for the regular Republicans to have the names on the ballot by a regular petition.

Mr. POINDEXTER. In California all parties had the same opportunity to put their electors upon the ballot. The Republicans could have done it in the same way that the Progressives did. It was a question whether or not the names of the presidential candidates should be printed on the ballot.

The Progressives were willing their candidate's name should be printed there. The Republicans had a candidate—I do not feel like referring to these various individuals—whose name they did not want printed on the ballot, and they refused to put their electors on the ballot as Taft Republicans. That is the reason why they did not put them there. That was the decision of the court. The same rule applied to all parties. But in Idaho there was an absolute inhibition against the Progressives from printing the names of electors on the ballot at all, and notwithstanding that fact they came near carrying the State, polling substantially a third of the vote in this three-cornered contest.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Will the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. Yes.

Mr. HITCHCOCK. Do I understand that one of the reasons why the Senator is opposed to this proposed constitutional amendment is that it would except ex-President Roosevelt from being a candidate hereafter for President?

Mr. POINDEXTER. Not at all. I think my vote indicates that that is not my position.

Mr. HITCHCOCK. I was trying to reconcile the Senator's vote yesterday on my amendment. He stated just now that one of the evils of the amendment pending would be to exclude ex-President Roosevelt, who had been so popular in Idaho and other States.

Mr. POINDEXTER. The Senator misapprehended my remarks. I did not say that one of the evils would be that it excluded him. I said that it would exclude him. That is quite different from saying it would be an evil. My opinion is if it was adopted at all it ought to exclude him, and I voted that way and believe that way. I do not hold any brief for ex-President Roosevelt or anyone else in this matter. I believe that he ought to have been elected President of the United States because he had a legitimate majority of delegates in the Republican national convention, and I think he would have been elected if he had had a united party behind him and had been nominated there.

But that has nothing to do with this question. What I did say was that the number of votes that were cast for him, while he would be excluded by this amendment, indicates that popular opinion is not demanding the amendment. That is the point I am making.

Mr. HITCHCOCK. So the Senator's position is this: He is opposed to the proposed constitutional amendment because it proposes to limit the power of the people to select their candidates.

Mr. POINDEXTER. Yes.

Mr. HITCHCOCK. Yet if it is adopted he wants it to go so far as to exclude ex-President Roosevelt.

Mr. POINDEXTER. I do. That is my position exactly. If it is to operate at all, of course it should operate on all alike.

Mr. President, only one word with reference to the merits of the question. The senior Senator from Iowa [Mr. CUMMINS] said that there was no country in the world which was ruled by a majority. I do not agree with that; I think that there are some countries that are ruled by a majority; but I do not know of any country in the world which has restricted itself from keeping a fit man in office, as this resolution proposes to do. I know there are some countries that are ruled by a minority; and there are some countries that are ruled by one man. I am not in favor of an unconstitutional government; I am in favor of a constitutional government, with all due restrictions upon the power of the majority, but I would much rather have a country ruled by a majority than to have one ruled by a minority or than to have one ruled by a monarchy. I think that that is one of the general distinctions between the progressives and the reactionary parties.

The Progressive Party prefers the opinion and the power of the majority, and the reactionary party prefer the power and the control of a minority, because they have no faith in the ability and the intelligence of the masses to operate the Government whether directly of through representatives.

Of course, there is nothing involved in this discussion or in any of the new agencies of government which in any way justifies the attacks which have been made by the "stand-pat" Republicans throughout the country upon that movement on the ground that it is undermining the foundations of the Constitution. It does not deal with the Constitution; it does not affect in any way whatever the substance or the principle of representative government, but it makes representative government more responsive to the people.

One objection that I have to this amendment is not that it gives too much power to the Government, but that it makes the Government too weak. The constant change in the administration of the Government, the compelled and absolute requirement that there shall be rotation in office under all circumstances, obviously weakens the Government.

As I said before, that was the object in the early days of this Republic. The object was to weaken the Government. I am in favor, and I think many other Progressives are in favor, although they are misunderstood upon that subject, of strengthening the Government. I think it will have to be strengthened if it is going to be able to deal with modern political problems, but at the same time the people should be given control over it; in other words, the Government should be responsive and at the same time it should be responsible. Agencies can be adopted, and have been adopted, by which the evils that come from the eligibility for reelection to the office of President can be removed and eligibility for reelection to the office can still be retained.

I am not in favor of the indefinite continuance of the President in office. I think that reasonable rotation in office, when it is voluntary, when it is in response to public opinion, as it has been in this country, is a good thing; but when it ceases to be in response to an enlightened public opinion; when it is imposed contrary to the will of the people by a Constitution, which may have been adopted 50 years before the problems originated with which it has to deal and solve, it is not progressive; it does not tend to enable the people, through their Government, to restrain the evils of private monopoly, growing out of the great modern agencies of industry and transportation—the telegraph, modern machinery, and steam locomotion.

The Senator from Iowa said that there was no Government ruled by a majority. I think England is ruled substantially by a majority. I am not going to repeat the comparison between the Government of England and our Government. It is natural to make it because the English are our forbears; we speak their language, and have substantially their laws. Our capacity for self-government and the love of liberty we inherited from them.

Why does not the majority rule in England substantially? Of course they have a King, but he is about like a queen bee in a hive. He is absolutely under the control of the people; his functions are largely those of a social leader. The entire Government of Great Britain is elected by a majority of the people at one time. There are no checks in the way of hold-over members of the House of Commons; there are no checks in the way of courts that can set aside the acts of Parliament; there are no checks in the way of a veto, which either the House of Lords or the King can impose upon the acts of the House of Commons made in response to well-settled public opinion. That is a Government by a majority, and it is a successful Government by a majority. It is true that the majority have imposed certain restraints upon themselves in the way of a bill of rights. We have inherited that bill of rights, and we have modeled it to meet our conditions here; but I refuse absolutely in this argument to have the argument transplanted by the Senator from Iowa into a proposition of whether there should be any

constitutional restraint or whether there should be this particular constitutional restraint.

We are not debating here the question of whether or not there should be trial by jury fixed in the Constitution, whether or not there should be an inhibition against the violation of contracts, or the right to bear arms or that property can not be taken without due process of law. Of course such provisions ought to be in the Constitution; of course those principles are sound; but because the principle in general is sound does it follow that we must limit the term of the President and make him ineligible for reelection? What connection is there between the Bill of Rights and the tenure of office of the Chief Executive? There is not any whatever. We can concede the general principle advocated by the Senator from Iowa and yet oppose this particular proposed provision of the Constitution, which could not have any other effect than to cripple the Government and to cripple the people in wrestling with the great questions with which they are compelled to wrestle through the Government, which is the only agency they have with which to deal with them. The safety of the Constitution is in its justice and wisdom. An unjust or unwise amendment is but a weakness and temptation to violate it, and disrespect for the fundamental law endangers the Republic.

Mr. DIXON. Mr. President, I want to take up about six minutes of the time of the Senate; but before this debate closes, and before the vote is taken, I want to have presented to the Senate the most comprehensive argument, boiled down in a few words, presenting more phases of this subject than any other argument that has ever yet been made on this question.

We heard yesterday from the senior Senator from Iowa [Mr. CUMMINS] quotations from Charles Sumner and, I think, one from Henry Clay; and the senior Senator from Mississippi [Mr. WILLIAMS] many times referred to the views of Mr. Jefferson on this much-mooted question at the time of the holding of the constitutional convention. But the views of Hamilton himself, the greatest mentality of them all, have not in this debate even been suggested, I think, by any Senator. Hamilton 125 years ago said all that has since been said on this same subject. He said it in a very few and concise words. I should like to have the entire Senate hear it, for it is almost equal to Washington's Farewell Address, to which we devote one day during each session. Therefore, before I ask the Secretary to read the article in the Federalist, I should like to suggest the absence of a quorum, so that we may have a fuller house to hear Alexander Hamilton's viewpoint.

The PRESIDING OFFICER. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lippitt	Shively
Bankhead	Curtis	Lodge	Simmons
Bourne	Dillingham	McCumber	Smith, Ariz.
Brandegee	Dixon	McLean	Smith, Ga.
Bristow	du Pont	Oliver	Smith, Md.
Brown	Fletcher	Overman	Smoot
Bryan	Gallinger	Page	Stephenson
Catron	Gamble	Paynter	Sutherland
Chamberlain	Hitchcock	Percy	Swanson
Chilton	Jackson	Perkins	Thomas
Clapp	Johnson, Me.	Poindexter	Thornton
Clark, Wyo.	Johnston, Ala.	Pomerene	Townsend
Clarke, Ark.	Jones	Richardson	Wetmore
Crawford	Kenyon	Root	Williams
Cullom	Kern	Sanders	Works

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH] on account of illness in his family.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. DIXON. Now, Mr. President, with a larger audience present, I hope Senators will pay real attention to what is probably the most powerful and concise argument yet delivered on this question, made not during the constitutional debate, but contained in an article which appeared in the Federalist, written by Hamilton after he had heard all of the arguments advanced during the entire period of the Constitutional Convention. It will take only four or five minutes to read what Hamilton had to say. I now ask that the Secretary read what I send to the desk.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Secretary read the matter to which he has referred. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ALEXANDER HAMILTON ON THE QUESTION OF REELECTION.

The administration of government in its largest sense comprehends all the operations of the body politic, whether legislative, executive, or judicial, but in its most usual and, perhaps, in its most precise signification it is limited to executive details and falls peculiarly within the province of the Executive Department. The actual conduct of foreign negotiations, the preparatory plans of finance, the application and disbursement of the public moneys in conformity to the general appropriations of the legislature, the arrangement of the Army and Navy, the direction of the operations of war; these and other matters of a like nature constitute what seems to be most properly understood by the administration of government. The persons, therefore, to whose immediate management these different matters are committed ought to be considered as the assistants or deputies of the chief magistrate; and on this account they ought to derive their offices from his appointment, at least from his nomination, and ought to be subject to his superintendence. This view of the subject will at once suggest to us the intimate connection between the duration of the Executive Magistrate in office and the stability of the system of administration. To reverse and undo what has been done by a predecessor is very often considered by a successor as the best proof he can give of his own capacity and desert; and in addition to this propensity, where the alteration has been the result of public choice, the person substituted is warranted in supposing that the dismission of his predecessor has proceeded from a dislike to his measures; and that the less he resembles him the more he will recommend himself to the favor of his constituents. These considerations, and the influence of personal confidences and attachments, would be likely to induce every new President to promote a change of men to fill the subordinate stations, and these causes together could not fail to occasion a disgraceful and ruinous mutability in the administration of the Government.

With a positive duration of considerable extent, I connect the circumstance of reeligibility. The first is necessary to give to the officer himself the inclination and the resolution to act his part well, and to the community time and leisure to observe the tendency of his measures, and thence to form an experimental estimate of their merits. The last is necessary to enable the people, when they see reason to approve of his conduct, to continue him in the station in order to prolong the utility of his talents and virtues, and to secure to the Government the advantage of permanency in a wise system of administration.

Nothing appears more plausible at first sight nor more ill founded upon close inspection than a scheme which, in relation to the present point, has had some respectable advocates—I mean that of continuing the Chief Magistrate in office for a certain time and then excluding him from it, either for a limited period or forever after. This exclusion, whether temporary or perpetual, would have nearly the same effects; and these effects would be for the most part rather pernicious than salutary.

One ill effect of the exclusion would be a diminution of the inducements to good behavior. There are few men who would not feel much less zeal in the discharge of a duty when they were conscious that the advantages of the station with which it was connected must be relinquished at a determinate period than when they were permitted to entertain a hope of obtaining, by meriting, a continuance of them. This position will not be disputed so long as it is admitted that the desire of reward is one of the strongest incentives of human conduct, or that the best security for the fidelity of mankind is to make their interest coincide with their duty. Even the love of fame, the ruling passion of the noblest minds, which would prompt a man to plan and undertake extensive and arduous enterprises for the public benefit, requiring considerable time to mature and perfect them, if he could flatter himself with the prospect of being allowed to finish what he had begun, would, on the contrary, deter him from the undertaking when he foresaw that he must quit the scene before he could accomplish the work and must commit that, together with his own reputation, to hands which might be unequal or unfriendly to the task. The most to be expected from the generality of men in such a situation is the negative merit of not doing harm instead of the positive merit of doing good.

Another ill effect of the exclusion would be the temptation to sordid views, to peculation, and, in some instances, to usurpation. An avaricious man who might happen to fill the office, looking forward to a time when he must at all events yield up the emoluments he enjoyed, would feel a propensity, not easy to be resisted by such a man, to make the best use of the opportunity he enjoyed while it lasted; and might not scruple to have recourse to the most corrupt expedients to make the harvest as abundant as it was transitory; though the same man, probably, with a different prospect before him might content himself with the regular perquisities of his situation, and might even be unwilling to risk the consequences of an abuse of his opportunities. His avarice might be a guard upon his avarice. Add to this that the same man might be vain or ambitious as well as avaricious. And if he could expect to prolong his honors by his good conduct, he might hesitate to sacrifice his appetite for them to his appetite for gain. But with the prospect before him of approaching and inevitable annihilation, his avarice would be likely to get the victory over his caution, his vanity, or his ambition.

An ambitious man, too, when he found himself seated on the summit of his country's honors, when he looked forward to the time at which he must descend from the exalted eminence forever, and reflected that no exertion of merit on his part could save him from the unwelcome reverse; such a man, in such a situation, would be much more violently tempted to embrace a favorable conjuncture for attempting the prolongation of his power, at every personal hazard, than if he had the probability of answering the same end by doing his duty.

Would it promote the peace of the community or the stability of the Government to have half a dozen men, who had had credit enough to be raised to the seat of the supreme magistracy, wandering among the people like discontented ghosts and sighing for a place which they were destined never more to possess?

A third ill effect of the exclusion would be the depriving the community of the advantage of the experience gained by the Chief Magistrate in the exercise of his office. That experience is the parent of wisdom, is an adage, the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or more essential than this quality in the governors of nations? Where more desirable or more essential than in the first magistrate of a nation? Can it be wise to put this desirable and essential quality under the ban of the Constitution and to declare that the moment it is acquired its possessor shall be compelled to abandon the station in which it was acquired and to which it is adapted? This, nevertheless, is the precise import of all those regulations which exclude men from serving their country, by the choice of their fellow citizens, after they have by a course of service fitted themselves for doing it with a greater degree of utility.

A fourth ill effect of the exclusion would be the banishing of men from stations in which, in certain emergencies of the State, their presence might be of the greatest moment to the public interest or safety.

There is no nation which has not at one period or another experienced an absolute necessity of the services of particular men; in particular situations perhaps it would not be too strong to say to the preservation of its political existence. How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner best suited to its exigencies and circumstances. Without supposing the personal essentiality of the man, it is evident that a change of the Chief Magistrate, at the breaking out of a war or at any similar crisis, for another, even of equal merit, would at all times be detrimental to the community, inasmuch as it would substitute inexperience for experience and would tend to unhinge and set afloat the already settled train of the administration.

A fifth ill effect of the exclusion would be that it would operate as a constitutional interdiction of the stability in the administration. By necessitating a change of men in the first office of the Nation it would necessitate a mutability of measures. It is not generally to be expected that men will vary and measures remain uniform. The contrary is the usual course of things. And we need not be apprehensive that there will be too much stability, while there is even the option of changing; nor need we desire to prohibit the people from continuing their confidence where they think it may be safely placed, and where, by constancy on their part, they may obviate the fatal inconveniencies of fluctuating councils and a variable policy.

These are some of the disadvantages which would flow from the principle of exclusion. They apply most forcibly to the scheme of a perpetual exclusion; but when we consider that even a partial exclusion would always render the readmission of the person a remote and precarious object, the observations which have been made will apply nearly as fully to one case as to the other.

What are the advantages promised to counterbalance these disadvantages? They are represented to be, first, greater independence in the Magistrate; second, greater security to the people. Unless the exclusion be perpetual, there will be no pretense to infer the first advantage. But even in that case may he have no object beyond his present station to which he may sacrifice his independence? May he have no connections, no friends, for whom he may sacrifice it? May he not be less willing by a firm conduct to make personal enemies when he acts under the impression that a time is fast approaching on the arrival of which he not only may but must be exposed to their resentments upon an equal, perhaps upon an inferior, footing? It is not an easy point to determine whether his independence would be most promoted or impaired by such an arrangement.

As to the second supposed advantage, there is still greater reason to entertain doubts concerning it. If the exclusion were to be perpetual, a man of irregular ambition, of whom alone there could be reason in any case to entertain apprehension, would, with infinite reluctance, yield to the necessity of taking his leave forever of a post in which his passion for power and preeminence had acquired the force of habit. And if he had been fortunate or adroit enough to conciliate the good will of the people he might induce them to consider, as a very odious and unjustifiable restraint upon themselves, a provision which was calculated to debar them of the right of giving a fresh proof of their attachment to a favorite. There may be conceived circumstances in which this disgust of the people, seconding the thwarted ambition of such a favorite, might occasion greater danger to liberty than could ever reasonably be dreaded from the possibility of a perpetuation in office by the voluntary suffrage of the community exercising a constitutional privilege.

There is an excess of refinement in the idea of disabling the people to continue in office men who had entitled themselves, in their opinion, to approbation and confidence, the advantages of which are at best speculative and equivocal, and are overbalanced by disadvantages far more certain and decisive.

PUBLIUS.

(The Federalist, pp. 398–403.)

Mr. WILLIAMS. Mr. President, it is not at all astonishing that a follower of a man who would like to be President of the United States for life should have had read to the Senate a moment ago the utterances of Alexander Hamilton which we have just heard. It is not at all astonishing that Alexander Hamilton should have written that. Nobody acquainted with Hamilton's views would have the slightest doubt as to how Hamilton would vote to-day if this question were submitted to him. He would vote against any proposition that fixed any term of public service at all, short of life, for the President of the United States and for most other officers.

I have said that, and I want to prove it by showing that historically the plan of government presented by Alexander Hamilton for the consideration of the Constitutional Convention provided that the President should hold his office for life. It provided that the Senators should hold their offices for life. It provided that the Senate should have power to declare war and to make peace. It provided, furthermore, that the judges should be Federal judges in the States, and that they should hold their offices for life.

It is no wonder that a man who entertained these views should be favorable to any plan under which an opportunity could possibly present itself for a man to hold the office of President for life. Not only that, but under the plan which he presented to the Constitutional Convention the Federal Government was to appoint the governors of the States. It is not at all to be wondered at that a man who wanted a President to hold office for life should have made a very labored argument in favor of an indefinite tenure of presidential office, so that possibly a man might serve for life.

Mr. DIXON. Mr. President, in the earlier sittings of the Constitutional Convention Jefferson presented a tentative plan of his conception of a possible constitution. Along with Jefferson's plan dozens of other members of the same Constitutional Convention presented possibly not so comprehensive a scheme but as to the various details of government suggestions as widely at variance with the final work of that convention as was Hamilton's.

This was not Hamilton's opinion at the beginning of the convention. It was his judgment after having sat for three months in Philadelphia and having heard all the various schemes presented and there debated. This was his judgment months afterwards, when the ratification of the Constitution was pending before the constitutional convention of the State of New York. It was his final ripened judgment and conclusion. Notwithstanding it may not be perfect, I offer it to the Senate, and believe it is entitled to as much consideration as the views of any Senator who has presented them during this discussion, whether he be from Mississippi or from any other State. These are the views of Alexander Hamilton.

Mr. SUTHERLAND. I should like to ask the Senator from Montana a question before he takes his seat. He says that in the course of three months Hamilton changed his mind to the radical extent which the Senator has described. Does he not think that if Hamilton were living to-day, after the experience of 125 years that this country has had, he might by this time have agreed with us upon this subject?

Mr. DIXON. Mr. President, the Senator from Utah does not exactly state what I tried to say. I say these were the final views of Hamilton, after having heard all the various suggestions that arose in the constitutional debates during the entire summer in Philadelphia.

How Hamilton would vote this afternoon, if a Member of this body, I do not know. I do not presume to have so intimate an acquaintance with his views as some other Senators have professed regarding certain other men of that period. I have heard one or two Senators freely vouch for what Jefferson would do or what Henry Clay would do after an experience of 125 years. What Hamilton would do under these conditions, I am frank to say, I do not know. But I wanted the Senate to have the benefit of his matured views after all that discussion had gone on for a space of about two years; and I commend it to the careful attention of the Senators who are advocating this amendment.

Mr. WILLIAMS. Mr. President, so far as I know, Alexander Hamilton never changed his views. If the Senator will take the trouble to read the letters of Gouveneur Morris, his nearest and dearest personal friend, the man selected by Hamilton's family to pronounce his eulogy, he will find that assertion to be supported.

In the articles in the Federalist, Hamilton was arguing not for what he believed, but for what was attainable. Hamilton, above all men at that time, desired a union between the American Colonies; and he desired a union which should be stable and fixed and permanent. Therefore, when the Constitutional Convention rejected every single proposition and sentence offered to it by Alexander Hamilton—there is not in the Constitution one sentence that proceeds from him—he still advocated the adoption of the Constitution as it left the convention, because it was, of course, very much nearer his ideal than the old confederacy, which was but a rope of sand.

A higher compliment can not be paid to any man than to say that having left his own firm foundation of faith for the purpose of advocating the nearest attainable thing to it, he did it with exceeding great ability.

What I said a moment ago was not said with the view of attacking the man's intellectual integrity. I merely wanted to reenforce the idea that a man who was in favor of life tenure for the Presidency naturally would have his mind gravitate toward every argument in favor of indefinite tenure of the Presidency.

I stated a moment ago what Hamilton's plan of government was, but I did not state that that was a compromise between Hamilton and himself; and yet it was. In the very speech in which he advocated his plan, which I have outlined, he said that if we were seeking a model government, the government which he would recommend as a model government, if it could be adopted—and he confessed that it could not be then—was one under which the office of Executive should be hereditary and not for life alone. In that same speech he went on later to give the reasons why an hereditary Executive was always better than an elective Executive—so highly paid, that he was subject to no temptation of corruption; so far above the ordinary politics of the country that he could not be the subject of any momentary tumult of feeling or of passion. I am not attempting to repeat literally what he said, of course, because I can not remember it. So that even that utterance was a compromise between himself and his advocacy of a life tenure; and his advocacy of a life tenure was a compromise between him and himself with regard to his real, original view in favor of an hereditary Executive.

It is not astonishing that the so-called new nationalism advocated by the Senator from Washington—or by the chief of the party to which he belongs, at any rate—should ally itself at every point of possible contact with ancient, discredited Federalism. They are identical in their ultimate purposes.

Mr. POINDEXTER. Mr. President, is there anything in the ancient federalism in the nature of direct election of Senators, or party control by primary nominations, or the referendum or the recall? Those are the things that are advocated by the "new nationalism," as the Senator from Mississippi calls it. They seem to me to be rather the antithesis of the views of Alexander Hamilton which he has just been describing.

Mr. WILLIAMS. Mr. President, the end sought by both is a freedom from constitutional trammels and restrictions. The end sought by both is that a government shall do whatever that government thinks is right, regardless of any fundamental restriction of any description. The instrumentalities by which it is sought to accomplish the end are totally different.

In the beginning the man who wanted a government unrestricted in power sought it by frankly stating that and by frankly setting up a government hereditary in tenure of office, with a class set aside, as John Adams proposed and advocated, who should represent gentlemen as against simple men. When you come down years later, we of America have furnished the most remarkable man that has existed for a long time. His idea is, under the name of "new nationalism," by plebiscite rule, by force of the popularity of the proposer of the plebiscite, to set aside all restrictions upon a majority, so that a majority may do whatever it pleases.

There is no distinction in my mind between letting a king do whatever he pleases and letting a majority do whatever it pleases. A majority can be wrong. Even Abraham Lincoln said:

> You can fool all of the people some of the time, and you can fool some of the people all of the time.

I believe, with him, that you can not fool all of the people all the time. I believe, with Jefferson, that error is not to be feared so long as reason is left free to combat it. But it does not follow from that that for short intervals of time you may not have a tyranny of a majority equal to the tyranny of any Czar or any Cæsar that ever existed.

The point of union between the Senator, or between his chief, at any rate—I do not know whether he completely understands the philosophy of his chief or not—and ancient Hamiltonians is that they both want a government unrestricted and unrestrained by constitutional limitations.

Why, the latest announcement of the Senator's chief was that he wanted to set aside a decision of the Supreme Court of the United States——

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. Oh, I beg your pardon; I beg your pardon. He wanted to set aside a decision of a State supreme court, not the Supreme Court of the United States. He wanted to set aside the decision of a State supreme court by submitting the decision to a plebiscite, one of the plebiscites of Napoleon the Third.

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. No doubt the Senator was about to rise and correct me and say that he did not advocate submitting a decision of the Supreme Court of the United States to a plebiscite.

Mr. POINDEXTER. That was not what I had in mind.

Mr. WILLIAMS. That was going a bit too far for him. And yet, in logic and in common sense, if it is right to submit to a plebiscite a decision of the supreme court of a State, it is equally right to submit to a plebiscite a decision of the Supreme Court of the United States.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I yield.

Mr. POINDEXTER. I am very much surprised that the Senator from Mississippi shies so much at the idea of submitting to the people a constitutional question involving the decision of a court, as I have heard him so many times eulogize the political principles of Thomas Jefferson, who believed that the courts should not even have any power to declare unconstitutional a law of Congress.

There is another statement the Senator made that I should like to call attention to at the same time, if it will not interrupt him too much. It is due, apparently, to his being afraid of this name "new nationalism." I do not call it that. The Senator calls it that. It does not make any difference what we call it.

The Senator is inveighing against the rule of the majority. The cardinal principle of Thomas Jefferson's political philosophy was the rule of the majority, subject, of course, to constitutional restrictions. When the Senator says that the "new nationalism," or the Progressive Party, advocates an unconstitutional government its simply indicates that he does not understand Progressive principles.

Nobody is advocating the abolishment of constitutional restrictions. The greatest advocate of popular liberty in this country—and that is what the Progressives are advocating—framed the Bill of Rights of the Constitution. The Progressive Party would be the last, I believe, to abolish the Bill of Rights. I have not heard any suggestion tending in that direction. So the Senator puts the whole question upon a false ground when he says that they are in favor of setting aside all constitutional restrictions. They are not in favor of any such thing. There is nothing in the record of the party or any principle which they have ever advocated or adopted that indicates that they are in favor of setting aside all constitutional restrictions.

Mr. WILLIAMS. Let us see about that, Mr. President. Here is a man who comes upon the arena and who says that the decision of a court shall be set aside by plebiscite. I take it the Senator from Washington and I will agree that thus far the ex-President's utterance goes. If I am mistaken about that, I should like to be corrected.

Here is a man who comes upon the arena and says that the decision of a court shall be set aside by plebiscite. When? Under what circumstances? Whenever that decision is founded upon the opinion of the court to the effect that the law is unconstitutional. If I am mistaken about that, I should like to be corrected.

When a court decides that a given statute is invalid because it is unconstitutional, the court is, in the court's opinion, upholding a constitutional limitation. This knight of the twentieth century would set aside the constitutional limitation which the court has pronounced to exist regarding that particular act by virtue of the vote of the people in a plebiscite submitted to the people.

You go further. This election decides that the decision shall be reversed. There is no appeal from that election. Does it not necessarily follow, therefore, that you have set aside all constitutional limitations whenever a majority votes to set them aside? And is there any answer to that?

There is but one really novel feature in the American Government. Every other feature in it came either from our English forbears or from our colonial ancestors. That novel feature is that there shall be a written constitution which shall be the organic, fundamental law of the land, and that no other law not in pursuance of that, no other law in violation of that, shall be law at all.

Senators know that I almost worship Thomas Jefferson. My old grandfather said he took his religion and his politics both from him. I do not take my religion from him, but I do take my politics very largely from him. Very frequently they play on my passion for him by introducing irrelevant things to get me off on the subject of Thomas Jefferson. I shall not follow the Senator much upon that question; but when the Senator says that Thomas Jefferson said that the courts should have no power to set aside unconstitutional acts of Congress, I will give him six months to furnish the evidence to support his assertion.

What Thomas Jefferson complained about was not that the courts set aside unconstitutional acts but that they failed to set them aside. He complained that John Marshall undertook to make a constitution by judicial construction, and that, instead of abiding by the Constitution as it was written, he undertook to make a constitution by construction.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. I shall be glad to furnish the evidence that the Senator calls for in much less than six months, in the form of Jefferson's written declarations on the subject and his well-known position.

Mr. WILLIAMS. The Senator can produce a lot of things which, taken out of keeping with everything else, might have a tendency in that direction. For example, Jefferson once said that the Federal courts were "the sappers and miners of the Constitution." At another time he said that unless the powers of the courts were restrained the entire Federal Government and our system would go to pieces, although not in that exact language. The first language was his language, "the sappers and miners of the Constitution."

He fought the Federal judiciary all of his life, and the Federal judiciary fought him. His quarrel with the Federal judiciary, however, was not that it failed to set aside unconstitutional acts, but that it affirmed unconstitutional acts; in other words, that it undertook to create a constitution by construction. That was his quarrel with John Marshall in the Marbury-Madison case; that was his quarrel all the way through.

As I said a moment ago, it is becoming evident, even to my somewhat dense intellect, that Senators upon the other side now and then attempt to deflect me from the line of an argument by referring to Thomas Jefferson. It seems to be admitted that I have made myself his professional defender.

Mr. POINDEXTER. Now that the Senator has been deflected, I will not deflect him any further, except to agree that the logic of the Senator's statement that Jefferson objected, not to the courts setting aside unconstitutional laws but to their refusal to set aside constitutional laws, amounted simply to this, that Jefferson refused to accept the judgment of the courts as to which laws were constitutional and which were unconstitutional, and insisted on substituting either his own judgment or that of Congress for theirs. Jefferson even went so far as to refuse to submit to the decisions of the Supreme Court as to the constitutionality of acts of Congress.

Mr. WILLIAMS. O Mr. President, the Senator has now raised a totally different question. Of course, Jefferson refused to accept as his opinion the opinion of a court concerning a constitutional question. Andrew Jackson refused to do it. Everybody else has refused to do it. I refuse to do it right now. Abraham Lincoln refused to do it. Abraham Lincoln said that the only thing that the Dred Scott case settled was that Dred Scott was still a slave, but it could not settle any political question. That far, of course, Jefferson went. That far the Senator goes. That far I go. That far every man with common sense goes, unless he is a mere lawyer and nothing else; and the most dangerous man to free institutions is a mere lawyer and nothing else.

Mr. POINDEXTER. Especially if he is a constitutional lawyer.

Mr. WILLIAMS. I do not admit for one minute that the opinion of the Supreme Court concerning a constitutional question binds me in my official capacity as a Senator. Jefferson did not admit that it bound him in his official capacity as a President. Andrew Jackson did not admit that it bound him in his official capacity as a President. He went so far as to say: "John Marshall has pronounced the decree of the court; now let him execute it."

In so far as the Senator is concerned, as a Senator, or I, or a man at the other end of the Capitol in the House of Representatives, we have sworn to maintain the Constitution, not according to the opinion of the Supreme Court, but according to our own. That is a totally different question. It has nothing to do with this one.

In the next place, the Senator said that Mr. Jefferson said that our duty was to submit to the rule of a majority. Why, the very difference between Jefferson and Rousseau was this: Rousseau said that the only free government was a government by a majority, and that even the English people were not free, because they were not free except once or twice in so many years, when they went to an election to elect representatives, and that that was not a free government nor a government of the people. Jefferson contended, upon the contrary, more strenuously than any man in America except Roger Williams, that there were limitations upon the power of majorities; that there were fields into which majorities must not enter at any time; that there were things of the first table between man and his Maker with which majorities had nothing to do. He contended for it to the last day of his life, and always. You will find in his inaugural address these words:

> The rule of the majority, in order to be binding, must be reasonable.

When he was contending for his own right to be President of the United States because he had been elected by the people, he worded it thus:

> He relied upon the voice of a majority, honestly and constitutionally expressed.

"Honestly and constitutionally expressed." What does that mean? That excluded the voice of the majority as to matters of the first table with which the majority had nothing to do, and it merely included the voice of the majority as to matters of the second table, and even in connection with that only when it was constitutionally expressed.

I did not intend to talk as long as this, but before I sit down I want to repeat that the longer any sensible man examines the theory of Roosevelt and the theory of Hamilton the more he will find that they are nearly identical. Of course, the one was advanced in one period of the world's history by arguments adapted to that period and the other is propounded in another period by arguments adapted to that period. But when you carry them back to the matter of utlimate analysis they amount to this: That majorities ought to be untrammeled, that there ought to be no sort of written constitutional restrictions upon them which they can not set aside by an election. In the first case the argument was that government ought to be sufficiently strong to withstand pressure from the people. In the second case it is that a majority of the people ought to be so strong as to withstand pressure from ethics, morals, constitutions, and anything else. They come back to the same point of an untrammeled, unlimited, unrestricted government, the only difference between them being as to who may constitute the government, and that is all.

Mr. DIXON. Mr. President, just one suggestion for one minute. It did not occur to me when I asked to have the opinion of Hamilton read for the benefit of the Senate that the mere mention of the name of Alexander Hamilton with Theodore Roosevelt automatically started the Senator from Mississippi in a denunciation of both those eminent men, and usually with a peroration eulogistic of Thomas Jefferson. But the Senator's historical reminiscences are always interesting.

Mr. WILLIAMS. I did not understand the Senator. Did the Senator say that I denounced either Alexander Hamilton or Roosevelt? I was confining myself to their opinions.

Mr. DIXON. I said the Senator's historical reminiscences are always interesting; but I think they always have to be taken from the viewpoint of the Senator from Mississippi. Jefferson was so anxious for majority rule that he proposed a new constitutional convention every 17 years. He said that each generation should have the right, and it should be executed, to override the fundamental basic law. When the Senator from Mississippi quotes some far-fetched suggestion of Alexander Hamilton regarding the Presidency, that he enunciated about the time of the Philadelphia convention, he will remember that Franklin, supported by several members of that convention, proposed a Presidency of three men, not united in one head. But that does not detract from the unanswered argument made by Hamilton in the article from the Federalist, which the Secretary read a few minutes ago, regarding the limitation of presidential power.

Mr. HITCHCOCK. I now offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 2, strike out lines 4 to 10 in the amendment of the committee, and insert:

> The executive power shall be invested in a President of the United States of America. The term of the office of President after March 3, 1917, shall be six years, and no person elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

Mr. HITCHCOCK. Mr. President, I am going to ask for the yeas and nays on this amendment, without any particular discussion as far as I am concerned, for the reason that the question has been very thoroughly canvassed. I want to say, however, that my amendment is the shortest one that has been proposed, occupying only five lines; that it is without any ambiguity whatever; that it has not lengthened the term of President elect Wilson; that it does not exclude Wilson from reelection; that it does not exclude ex-President Roosevelt or President Taft from reelection; but merely establishes the principle hereafter, as a rule and part of the Constitution, that no man who has once occupied the office of President of the United States by election shall be eligible to reelection.

Mr. BORAH. Mr. President, the brevity of the amendment offered by the Senator from Nebraska is in its favor, but as I understand the effect of his amendment it would be to permit two parties occupying a prominent place in our politics to serve for 10 years and the other for 13.

Mr. HITCHCOCK. I think that is not the proper way to state the matter.

Mr. BORAH. I am trying to state it as I understood it.

Mr. HITCHCOCK. I think that that is not a correct statement of the matter. It does not permit them to do so, and it does not forbid the people from selecting those men who have previously occupied office if they desire to do so.

My amendment, Mr. President, is designed to attach to the Constitution the intended reform in the fairest possible way, leaving to the American people the utmost possible freedom of judgment as far as these three particular individuals are concerned.

I think it rather inconsistent for the Senator from Idaho to object to this form of amendment, when it is less restrictive

than the other form, and when the Senator is complaining of the other form because it is somewhat restrictive.

I think we can well trust the American people in the next few years to decide whether they desire to elect Roosevelt President or not. I think we can trust them to decide whether they desire to reelect President Taft or President-elect Wilson or not. We can at least afford to take our chances on those possibilities, which already exist, in order that we may engraft upon the Constitution this very desirable reform.

I wish to say to the Senator that it may be proper to vote against this amendment on principle, but I think it is hardly fair to oppose the amendment on the ground that it is intended to popularize it among the people.

Mr. BORAH. Mr. President, I was simply desirous of knowing whether or not this amendment had the effect which I thought it had, and I find now that it has that precise effect. But the Senator from Nebraska and I will agree that we may leave it to the people to select Col. Roosevelt again if they desire, or Mr. Wilson again if they desire, or Mr. Taft again if they desire. I have the same faith in posterity that I have in the present generation. For that reason I am willing to leave it to them to elect some future Roosevelt or Wilson or Taft again if they desire to do it. For that reason I am opposed to the whole affair.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the committee.

Mr. SUTHERLAND. I ask to have the amendment to the amendment again read.

The PRESIDENT pro tempore. The amendment to the amendment will be again read.

The SECRETARY. On page 2 strike out lines 4 to 10, inclusive, in the amendment of the committee and insert:

The executive power shall be vested in a President of the United States of America. The term of the office of President after March 3, 1917, shall be six years, and no person elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

Mr. SUTHERLAND. Mr. President, so far as I am concerned, I am in favor of both propositions contained in this amendment, but I think it is unwise to submit both propositions together, because there are probably some Members of the Senate who are in favor of one but not in favor of the other.

If I understand the amendment, it proposes to accomplish two things—first, to prevent this resolution from being construed so as to extend the term of the President in office when the amendment is adopted, and, second, so as to permit persons otherwise ineligible under the general language of the resolution as now drawn to be eligible to the Presidency notwithstanding they have served in that office one or more terms in the past.

I think, Mr. President, that I shall ask to have the question divided, so that we may vote upon each separately; but before I do that I want to say a word or two in reference to the first branch of the amendment. It seems to me exceedingly desirable that that part of the amendment should be adopted, whether we adopt the second or not.

I was somewhat surprised yesterday when the Senator from California [Mr. WORKS], for whose legal judgment I have the utmost respect, stated that the resolution as reported to the Senate would have the effect, if adopted, of extending the presidential term of the President in office at the time it was adopted for two years longer. I understood the Senator from Iowa [Mr. CUMMINS] coincided in that view, and perhaps other Senators did the same.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. Certainly.

Mr. WORKS. I infer from what the Senator says that he disagrees with me upon that legal proposition. Suppose that be so, does the Senator think we ought to send out this resolution to be voted upon with a degree of uncertainty as to the construction which should be placed upon it?

Mr. SUTHERLAND. No; Mr. President, I intended to say before I finish, that I think it should not be sent out with that uncertainty. But I first want to state very briefly why I think the resolution in its present form is not susceptible of that construction. The joint resolution propcses, so far as this particular question is concerned, to amend the Constitution so that the term of office of the President shall be six years.

Now, the rule of construction is beyond all doubt that statutes, constitutions, municipal ordinances are all to be given a prospective effect and not a retrospective effect, unless provision is clearly made to the contrary. In other words, unless the statute contains terms clearly indicating that it shall be given a retroactive effect it must always be given a prospective effect only.

The doctrine was very clearly laid down by Lord Chief Justice Cockburn in the Second Law Reports of Queen's Bench Division, 269, in this language:

It is a general rule that where a statute is passed altering the law, unless the language is expressly to the contrary, it is to be taken as intended to apply to a state of facts coming into existence after the act.

The Supreme Court of the United States has repeatedly held that the rule applies to a constitution as well as to a statute.

In Shreveport *v.* Cole (129 U. S., 43) that court said:

Constitutions as well as statutes are construed to operate prospectively only, unless on the face of the instrument or enactment the contrary intention is manifest beyond reasonable question.

Now, the question is whether or not to hold this constitutional amendment to extend the term of office of the President in office at the time it shall be adopted would be to give it a retroactive effect. It seems to me clearly that it would. I call attention to what is said in Sutherland on Statutory Construction, in the second volume at page 1161:

It is always presumed that statutes were intended to operate prospectively, and all doubts are resolved in favor of such a construction. These same rules of construction apply to constitutional provisions and to by-laws and ordinances. A new constitutional provision as to the advanced age which should prevent the incumbents of certain judicial offices from retaining them was held prospective; it did not apply to persons in office at the time of its taking effect.

And again in section 643:

Acts changing the term of office or compensation of public officers were held not to apply to those in office.

And again on page 1163:

Where an act made provision for a pension for policemen who shall serve 20 years it was held to apply only where the 20 years' service was after the passage of the act.

Now, I call attention to a case which I think is very clearly in point, decided by the supreme court of my own State, the case of Farrel against Pingree, reported in Fifth Utah, page 443, the syllabus of which reads:

A statute will not be given a retrospective effect, unless its terms show clearly a legislative intention that it should operate restrospectively, and where an act amending an act relating to the terms of county treasurers substituted the words "two years" for the words "four years" a person elected to the office before the term of the incumbent who was elected and had served almost two years before the passage of the amendatory act had expired will not be entitled to the office as against the incumbent.

In other words, they hold that to give the statute that construction would be to give it a retroactive effect. In the course of the opinion the court says, on page 447:

There was no vacation of the office in express terms by the enactment of the 11th of March, 1886. The question then arises, Was there such a vacation by implication? There was no repeal of the act creating the office. The amendment dealt only with the length of the term of office. It left all the residue of the statute intact and in full force. If the legislature intended to vacate the office, that intention must clearly appear before a court is warranted in saying it exists. The defendant claims that such intent is shown in the enactment declaring that the old statute "is hereby amended by striking out the word 'four.'" But all that the striking-out clause vacates is the word "four." Nothing else is pretended in the act to be vacated. That word is dropped out of the statute, but the office is not dropped out. It is left to stand as it stood before.

Then, lower down:

He—

Meaning the county treasurer—

had been duly elected to it nearly two years prior to that time, had not been removed, nor had he resigned, and the office had not been abolished. Only the time limit had been removed. But the true rule of construction is to take the whole of a statute and consider all of its parts together, and not to take a fraction and consider that by itself. The amendatory enactment of the 11th of March, 1886, not only contained the words "striking out the word 'four,'" but it also contained the words "substituting the word 'two' in lieu thereof." The striking out and the substitution were simultaneous acts. With the word "two" in place of "four" we are to consider the effect of the change. There is no authority or sound reason for holding that such an amendment took effect as of August, 1884—nearly two years prior to its enactment.

So there could be no ground for holding here, if this constitutional amendment shall be adopted, that in reality it took effect at the beginning of the term of the incumbent of the office at the time the amendment was adopted.

The defendant contends that although the statute took effect on the day of its passage, yet that it related back to the August of 1884, the date of Harris's election. We are at a loss to know why this is so. The amendment says nothing whatever about the enactment relating back two years, or any other time, prior to its passage, and we see nothing in the amendment upon which to hang an inference of that nature. We are not justified in adding to a statute something that the legislature never intended or had in contemplation in enacting the statute. The legislature had the power to have said so; but we are not now considering the power of the legislature, we are simply considering whether they had exercised that power.

And on the following page I will insert in the RECORD still another extract from the opinion, without stopping now to read it:

It being clear, therefore, that the legislative intent that the amendment should be retrospective does not appear. It is settled by an

overwhelming weight of authority that the enactment of the 11th of March, 1886, had no retrospective or retroactive effect, but its operation is entirely prospective. The well-nigh two years that Harris had held the office of county treasurer could not, therefore, be counted as part of the two years' term of office provided for in the amendment. The two years contemplated in the enactment were some two years to begin at a time subsequent to its passage. The amendment found Harris in office. It did not vacate his office nor abolish it. The amendment, if made applicable to him at all, simply told him that thereafter he could hold the office for two years. The word "thereafter" would, of course, mean after the amendment should go into effect, which would occur when there had been a publication of the enactment. (Comp. Laws, p. 78, sec. 2.) He would therefore be entitled to hold the office under the amendment, if it could apply to him, for the period of two years after publication of the amendment; and the time of such publication does not appear, nor is it material, as no doubt the publication took place shortly after its passage and prior to the general election in August, 1886. But as we have seen, if the amendment be at all applicable to Harris, he was under it authorized to hold the office two years following the enactment, and consequently the election of the defendants to the office at the general election in August, 1886, and before such two years had expired, was unauthorized by law. But the statute was in no way applicable to Harris. He held his office under a statute which had not been repealed, nor had it in any manner been modified, except that the term of office after its passage was to be two instead of four years, as theretofore. No reference was made to the cases of persons then in office. The statute was wholly prospective, and related to terms of office in the future.

In that case the change in the law was the converse of what is attempted to be made here—that is, it shortened the term instead of having lengthened it—but the rule of construction would be precisely the same because nobody has a vested right in an office. The legislature has exactly the same power to shorten the term that it has to extend it. It is purely a question of statutory construction as to whether it should be given a retroactive effect.

The only other case I desire to call attention to is the case of Greer against Asheville, reported in One hundred and fourteen North Carolina, page 678. I shall only stop to read the syllabus of that case:

> The term of office of a city marshal appointed under a charter providing that marshals should hold office during the official term of the aldermen is not enlarged from one to two years by an amendment to the charter extending the term of the aldermen from one to two years.

So, Mr. President, while I feel quite convinced that the resolution, if adopted, would not have the effect of extending the term of the then incumbent of the presidential office, at the same time I recognize that there are many lawyers who disagree with that construction, and it is quite reasonable to suppose that many others throughout the country may differ with it also.

That being so, it is of vast importance, as it seems to me, to make it perfectly clear just what we intend by this joint resolution. It is necessary that we should do that for two, to my mind, very sufficient reasons. First, if we do not make it clear, we will jeopardize, in my judgment, the adoption of this amendment by the people of the country. That reason, of course, will not appeal to those who are opposed to the joint resolution in any form. It ought to appeal to the friends of the joint resolution. It will jeopardize it in this way: Doubt will be suggested as to whether the effect of the joint resolution will be to extend the term of President Wilson, if he should happen to be in office, and many members of the legislatures will be unwilling to bring about that result.

I am perfectly free to say that, so far as I am concerned, I consider it a matter of no great consequence in the adoption of this great fundamental principle whether we extend the term of President Wilson or any other man two years. I care very little about that, but there are many people in the country who will care much about it; and when that question is presented to the various legislatures of the States it will be a makeweight against the adoption of the amendment. It seems to me that for that reason the friends of this measure ought to be willing to make it perfectly certain that it is not intended to have that result.

Now, the second objection to leaving it uncertain, and to my mind it is a more serious objection than the one which I have discussed, is that if the joint resolution shall be adopted in its present form the matter will still be left in doubt as to whether it operates to extend the term of the then incumbent, and we shall have the question presented to us whether we shall hold an election in 1916 or 1918, whether the incumbent of the office at that time shall continue to hold for two years longer or shall go out of office on the 4th of March, 1917. We can all see that that may result not only in a serious dispute, which would be exceedingly unfortunate, but that, in some state of the public mind, which may exist at that time, it may result in great disturbance and in a situation the gravity of which we can not foresee.

We do not know what dispute it may lead to; we do not know how serious the dispute may be; and we do not know what serious results may flow from the dispute. For both of these reasons, it seems to me to be of the utmost importance that we should make it perfectly clear that we do not intend, in the resolution, to extend the term of any President who is in office, whoever he may happen to be.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. SUTHERLAND. I ask for a division of the question as indicated by me.

Mr. LODGE. I make the point of order that it can not be divided. It is a motion to strike out and insert.

The PRESIDENT pro tempore. The Chair will have to sustain the point of order under Rule 18:

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

The pending amendment is a motion to strike out and insert.

Mr. WORKS. Mr. President, I am not going to detain the Senate by any discussion of the legal question that has been raised by the Senator from Utah [Mr. SUTHERLAND] because of the fact that we are so thoroughly agreed as to the duty of the Senate to make the resolution so clear and plain that there can be no question of construction with reference to it. I have the very highest regard for the opinion of the Senator from Utah upon this or any other legal question, but I think he overlooks the fact that by this resolution the term of six years is fixed. There can be no other term. Therefore I think the resolution applies directly to the term which exists at the present time and extends it. But I am not going to emphasize my views upon that subject.

The PRESIDENT pro tempore. The Senator from Nebraska demands the yeas and nays on agreeing to the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New Mexico [Mr. FALL]. I make this announcement for the day. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber and I have no means of knowing how he would vote if present, I will withhold my vote.

The PRESIDENT pro tempore (when Mr. GALLINGER's name was called). The Senator from New Hampshire is paired with the junior Senator from New York [Mr. O'GORMAN]. The Senator from Massachusetts [Mr. CRANE] is paired with the Senator from Maine [Mr. GARDNER]. By consent, a transfer will be made whereby the Senator from New York and the Senator from Massachusetts will stand paired and that will permit the Senator from Maine and me to vote. I vote "nay."

Mr. LIPPITT (when his name was called). I announce my general pair with the senior Senator from Tennessee [Mr. LEA], and in his absence will refrain from voting.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Illinois [Mr. CULLOM] and vote. I vote "nay."

Mr. TOWNSEND (when Mr. REED's name was called). I have been handed a telegram from the Senator from Missouri [Mr. REED], stating that he is detained at home on account of sickness in his family, and that if he were here he would vote against the presidential term limited to six years. He is paired with the senior Senator from Michigan [Mr. SMITH].

Mr. ROOT (when his name was called). I have a general pair with the junior Senator from Texas [Mr. JOHNSTON], and therefore withhold my vote.

Mr. CHILTON (when Mr. WATSON's name was called). I announce the pair of my colleague [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

The roll call was concluded.

Mr. CLARK of Wyoming. On all votes to-day I transfer the general pair which I have with the senior Senator from Missouri [Mr. STONE] to the junior Senator from Nevada [Mr. MASSEY], and vote. I vote "nay."

Mr. BRISTOW. I am requested to announce that the junior Senator from South Dakota [Mr. CRAWFORD] is paired with the junior Senator from New Jersey [Mr. MARTINE] and that the junior Senator from North Dakota [Mr. GRONNA] is paired with the junior Senator from Montana [Mr. MYERS].

Mr. CHILTON. I have a general pair with the Senator from Illinois [Mr. CULLOM], but an arrangement has been made, which has been announced, for the transfer of that pair, so that I am at liberty to vote. I vote "nay."

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is absent on business of

the Senate, and that he is paired with the Senator from North Dakota [Mr. GRONNA].

Mr. BRYAN. I have been requested to state that the junior Senator from Texas [Mr. JOHNSTON] is absent on business of the Senate, and, as has been stated, is paired with the Senator from New York [Mr. ROOT].

The result was announced—yeas 27, nays 42, as follows:

YEAS—27.

Ashurst	Fletcher	Newlands	Sutherland
Bryan	Gardner	Oliver	Swanson
Burton	Gore	Percy	Thomas
Chamberlain	Hitchcock	Perky	Thornton
Clarke, Ark.	Johnson, Me.	Shively	Wetmore
Cummins	Johnston, Ala.	Smith, Ga.	Works
Dillingham	Kavanaugh	Smith, Md.	

NAYS—42.

Bankhead	Clark, Wyo.	Lodge	Pomerene
Borah	Curtis	McCumber	Richardson
Bourne	Dixon	McLean	Sanders
Bradley	Gallinger	Nelson	Simmons
Brandegee	Gamble	Overman	Smith, Ariz.
Bristow	Guggenheim	Owen	Smoot
Brown	Jackson	Page	Stephenson
Burnham	Jones	Paynter	Townsend
Catron	Kenyon	Penrose	Williams
Chilton	Kern	Perkins	
Clapp	La Follette	Poindexter	

NOT VOTING—26.

Bacon	Fall	Martine, N. J.	Smith, S. C.
Briggs	Foster	Massey	Stone
Crane	Gronna	Myers	Tillman
Crawford	Johnston, Tex.	O'Gorman	Warren
Culberson	Lea	Reed	Watson
Cullom	Lippitt	Root	
du Pont	Martin, Va.	Smith, Mich.	

So Mr. HITCHCOCK's amendment to the amendment of the committee was rejected.

Mr. WILLIAMS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment, which will be stated.

The SECRETARY. It is proposed, on page 2, to strike out lines 4, 5, 6, 7, 8, 9, and 10 of the amendment of the committee and to insert:

> The executive power shall be vested in a President of the United States of America. The term of the office of President shall be four years. He shall be reeligible for one additional term of four years, and not thereafter reeligible at any time. No person who shall hereafter hold the office or discharge its powers or duties, or act as President by succession for any fraction of a term under the Constitution and laws made in pursuance thereof, shall be reeligible beyond such a fraction of a term and for one term by election.

Mr. WILLIAMS. Mr. President, this amendment has two salient points in it. The first is to write into the Constitution what has hitherto been regarded as the unwritten law. The second point is to eliminate from the controversy all possible personal issues by making the amendment take effect prospectively altogether and retrospectively not at all, so that every citizen of the United States, after this amendment passes, will stand upon an equal footing.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Mississippi to the amendment of the committee. [Putting the question.] The noes appear to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendment to be offered as in Committee of the Whole, the question is on agreeing to the amendment to the joint resolution reported by the Committee on the Judiciary.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended.

Mr. BRANDEGEE. I sent to the desk a few moments ago an amendment which I should like the Secretary to read now, and I will offer it. Then I should like to have the Secretary read an amendment, which I understand has been sent to the desk by the Senator from Utah [Mr. SUTHERLAND], on the same subject, as I want to see which I like best.

The PRESIDENT pro tempore. The Senator from Connecticut asks for the reading of his proposed amendment. The Secretary will read as requested.

The SECRETARY. On page 2, line 10, after the word "election," in the amendment made as in Committee of the Whole, it is proposed to insert:

> The provision of this proposed amendment concerning the term of office shall affect the term of office of Presidents hereafter elected only.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the amendment proposed by the Senator from Utah [Mr. SUTHERLAND] be also read. If agreeable to the Senator from Utah, that will be done.

The SECRETARY. On page 2, line 10, after the word "election," in the amendment made as in Committee of the Whole, it is proposed to insert:

> *Provided*, That the foregoing shall not operate to extend the term of the President in office at the time this amendment is adopted.

Mr. BRANDEGEE. May I ask the Senator from Utah a question? If this proposed constitutional amendment should not be ratified for six or eight years, would not the Senator want this six-year term to apply to the President who might then be in office?

Mr. SUTHERLAND. No; the very purpose of the proposed amendment is to make it clear that it shall not apply to the President in office; that no matter when the amendment is adopted it should not so apply.

Mr. BRANDEGEE. If the amendment were adopted and a man were elected President after the amendment was the law of the land, why ought it not to apply?

Mr. SUTHERLAND. Because it would be giving it a retroactive effect.

Mr. BRANDEGEE. I do not follow the Senator in that.

Mr. SUTHERLAND. My whole position about it is that, no matter when this amendment shall be adopted, if it be 10 years from now, we will find some President in office, and there will then be a doubt as to whether it operates to extend the office of that President or whether it does not. It is of vast importance, as it seems to me, to settle that doubt in this joint resolution, to make it perfectly clear either that we do intend to extend the term of the incumbent at the time it is adopted or that we do not so intend—one thing or the other. That necessity will be just as great in 10 years as it will be in 2 years. We shall always find some President in office.

Mr. BRANDEGEE. I will ask that the amendment which I proposed be again stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be again stated.

The SECRETARY. On page 2, line 10, after the word "election," in the amendment made as in Committee of the Whole, it is proposed to insert:

> The provision of this proposed amendment concerning the term of office shall affect the term of office of Presidents hereafter elected only.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Connecticut [Mr. BRANDEGEE] to the amendment made as in Committee of the Whole.

Mr. CUMMINS. Mr. President, as a friend of the main proposition, I wish to say that, while the object of the Senator from Connecticut is identical apparently with the object of the Senator from Utah, it seems to me that the amendment proposed by the Senator from Utah will accomplish the object more perfectly and certainly than would the one proposed by the Senator from Connecticut.

Mr. BRANDEGEE. In view of that statement, if the Senator from Iowa is of that opinion, I will withdraw my proposed amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Connecticut withdraws his amendment to the amendment.

Mr. SUTHERLAND. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole will be stated.

The SECRETARY. On page 2, line 10, after the word "election," it is proposed to amend the amendment by inserting:

> *Provided*, That the foregoing shall not operate to extend the term of the President in office at the time this amendment is adopted.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. CUMMINS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). The present occupant of the chair has a general pair with the junior Senator from New York [Mr. O'GORMAN], which he transfers to the junior Senator from Massachusetts [Mr. CRANE]. The occupant of the chair votes "nay."

Mr. RICHARDSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Illinois [Mr. CULLOM] and will vote. I vote "yea."

Mr. ROOT (when his name was called). I again announce my pair with the Senator from Texas [Mr. JOHNSTON] and withhold my vote.

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the

Chamber, and I therefore withhold my vote. If I were free to vote, I should vote "yea" on this amendment.

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is paired with the Senator from North Dakota [Mr. GRONNA] and that they are both absent on business of the Senate.

Mr. CHILTON. I have just been informed that the arrangement as to the transfer of my pair with the senior Senator from Illinois [Mr. CULLOM] stands for this vote also, and I therefore desire to vote. I vote "nay."

While I am on my feet, I desire to make the same announcement as to my colleague [Mr. WATSON] as on the previous roll call.

The result was announced—yeas 29, nays 38, as follows:

YEAS—29.

Ashurst	Dillingham	Nelson	Sanders
Brandegee	Gamble	Oliver	Smoot
Brown	Gore	Penrose	Sutherland
Burnham	Guggenheim	Percy	Wetmore
Burton	Jackson	Perkins	Works
Clark, Wyo.	Johnson, Me.	Perky	
Cummins	Jones	Pomerene	
Curtis	McCumber	Richardson	

NAYS—38.

Bankhead	Dixon	Lodge	Smith, Ga.
Borah	Fletcher	McLean	Smith, Md.
Bourne	Gallinger	Overman	Stephenson
Bristow	Gardner	Owen	Swanson
Bryan	Hitchcock	Page	Thomas
Catron	Johnston, Ala.	Paynter	Thornton
Chamberlain	Kavanaugh	Poindexter	Townsend
Chilton	Kenyon	Shively	Williams
Clapp	Kern	Simmons	
Clarke, Ark.	La Follette	Smith, Ariz.	

NOT VOTING—28.

Bacon	du Pont	Martin, Va.	Root
Bradley	Fall	Martine, N. J.	Smith, Mich.
Briggs	Foster	Massey	Smith, S. C.
Crane	Gronna	Myers	Stone
Crawford	Johnston, Tex.	Newlands	Tillman
Culberson	Lea	O'Gorman	Warren
Cullom	Lippitt	Reed	Watson

So Mr. SUTHERLAND's amendment to the amendment made as in Committee of the Whole was rejected.

The PRESIDENT pro tempore. The question now is upon concurring in the amendment made as in Committee of the Whole.

Mr. DIXON. I ask that the amendment made as in Committee of the Whole be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. The amendment made as in Committee of the Whole was, on page 1, line 9, after the words "as follows," to strike out:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years and shall be ineligible to a second term, and, together with the Vice President, who shall hold for a like term, and shall also be ineligible to a second term, be elected as follows:

And in lieu thereof insert:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof shall be eligible to hold again the office by election.

The President, together with a Vice President chosen for the same term, shall be elected as follows:

The amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass?

Mr. CUMMINS. Mr. President, in view of the fact that the Constitution requires this joint resolution to be adopted by a two-thirds vote, I call for the yeas and nays.

The PRESIDENT pro tempore. The Chair will state that upon the question of the passage of the joint resolution a two-thirds vote is required. The Senator from Iowa demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRISTOW (when Mr. CRAWFORD's name was called). I am requested to state that upon this vote the Senator from South Dakota [Mr. CRAWFORD] is paired with the senior Senator from Virginia [Mr. MARTIN] and with the junior Senator from New Jersey [Mr. MARTINE].

Mr. DU PONT. I again announce my pair with the senior Senator from Texas [Mr. CULBERSON] and withhold my vote.

The PRESIDENT pro tempore (when Mr. GALLINGER's name was called). The occupant of the chair again announces his pair with the junior Senator from New York [Mr. O'GORMAN]. He transfers that pair to the junior Senator from Massachusetts [Mr. CRANE]. The Chair is informed that if those two Senators were present the Senator from New York would vote "yea" and the Senator from Massachusetts "nay." The Chair votes "nay."

Mr. GARDNER (when his name was called). Under the announcement just made by the Chair, I am at liberty to vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. On questions involving a two-thirds vote, by agreement with him I am relieved from that pair, and therefore I vote "nay."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness. As stated by the Senator from Kansas [Mr. BRISTOW], my colleague is paired with the junior Senator from South Dakota [Mr. CRAWFORD]. If my colleague were present, he would vote "yea."

Mr. RICHARDSON (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the Senator from Illinois [Mr. CULLOM] and will vote. I vote "nay."

Mr. ROOT (when his name was called). I again announce my pair with the junior Senator from Texas [Mr. JOHNSTON] and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SMITH of Georgia (when his name was called). I vote "yea." While on my feet, I desire to announce that the senior Senator from Georgia [Mr. BACON] has been detained until to-day at home by sickness in his family. He hopes to be here to-morrow.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to state that the senior Senator from Michigan [Mr. SMITH] is absent on business and is paired with the junior Senator from Missouri [Mr. REED].

Mr. KERN (when the name of Mr. SMITH of South Carolina was called). I desire again to state that the Senator from South Carolina [Mr. SMITH] is unavoidably absent on account of illness in his family.

Mr. CLARK of Wyoming (when the name of Mr. WARREN was called). I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. He is paired with the senior Senator from Louisiana [Mr. FOSTER].

Mr. CHILTON (when Mr. WATSON's name was called). I again announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS].

The roll call was concluded.

Mr. SANDERS. I wish to announce the unavoidable absence of the senior Senator from Tennessee [Mr. LEA].

Mr. SIMMONS. I have been requested to state that the Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]. If the Senator from Texas were present and at liberty to vote, he would vote "yea."

Mr. DU PONT. In view of the statement just made by the Senator from North Carolina [Mr. SIMMONS], I feel at liberty to vote. I vote "yea."

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] and the Senator from North Dakota [Mr. GRONNA] are both absent from the Senate on business of the Senate, and that those Senators are paired. If present the Senator from Montana would vote "yea," and the Senator from North Dakota would vote "nay."

The result was announced—yeas 47, nays 23, as follows:

YEAS—47.

Ashurst	Cummins	McCumber	Smith, Ariz.
Bankhead	Dillingham	Nelson	Smith, Ga.
Brandegee	du Pont	Newlands	Smith, Md.
Brown	Fletcher	Overman	Smoot
Bryan	Gamble	Owen	Sutherland
Burnham	Gardner	Paynter	Swanson
Burton	Guggenheim	Penrose	Thomas
Catron	Hitchcock	Percy	Thornton
Chamberlain	Johnson, Me.	Perkins	Wetmore
Chilton	Johnston, Ala.	Perky	Williams
Clark, Wyo.	Kavanaugh	Pomerene	Works
Clarke, Ark.	Kern	Simmons	

NAYS—23.

Borah	Dixon	Lippitt	Richardson
Bourne	Gallinger	Lodge	Sanders
Bradley	Jackson	McLean	Shively
Bristow	Jones	Oliver	Stephenson
Clapp	Kenyon	Page	Townsend
Curtis	La Follette	Poindexter	

NOT VOTING—25.

Bacon	Foster	Massey	Stone
Briggs	Gore	Myers	Tillman
Crane	Gronna	O'Gorman	Warren
Crawford	Johnston, Tex.	Reed	Watson
Culberson	Lea	Root	
Cullom	Martin, Va.	Smith, Mich.	
Fall	Martine, N. J.	Smith, S. C.	

The PRESIDENT pro tempore. Upon the final passage of the joint resolution the yeas are 47 and the nays are 23. More than two-thirds of the Senators present having voted in the affirmative, the joint resolution is passed.

IMMIGRATION OF ALIENS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Strike out the text inserted by the House amendment and insert in lieu thereof the following:

"That the word 'alien' wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians not taxed or citizens of the islands under the jurisdiction of the United States. That the term 'United States' as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term 'seamen' as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

"That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

"SEC. 2. That there shall be levied, collected, and paid a tax of $5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who have in accordance with law declared their intention of becoming citizens of the United States or on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

"That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other

language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted or any citizen of the United States may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case; but such determination shall not become final until a period of 30 days has elapsed. Within 3 days after such determination the Secretary of Commerce and Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing, and his determination thereon in three daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court or the judge thereof in vacation shall have jurisdiction to try de novo such question of necessity, and the decision in such court shall be final. Such appeal shall operate as a supersedeas: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor or holder of a concession or privilege for any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

"SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

"SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of $1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

"SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise, and by written or oral communication with prospective alien settlers make known, the inducements they offer for immigration thereto, respectively.

"SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is

located or in which any vessel of the line may be found the sum of $400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

"SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien afflicted with idiocy, insanity, imbecility, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 10. That it shall be the mandatory and unqualified duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those lines which may enter into a contract as provided in section 23 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than $100 nor more than $1,000 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of $1,000 shall be a lien upon the vessel whose owner, master, officer, or agent, violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"SEC. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health Service detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Commerce and Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspection and visits of any such surgeon as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 12. That upon the arrival of any alien by water at any point within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation, personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hosiptal for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possession to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

"SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

"SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

"SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all ex-

penses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 hereof. Any refusal or failure to comply with the provisions hereof to be punished in the manner specified in section 18 of this act.

"SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than two hundred nor more than two thousand dollars; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall on conviction thereof be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Commerce and Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

"SEC. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

"SEC. 18. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of this section; and no vessel shall have clearance

from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

"SEC. 19. That any alien, at any time within three years after entry, who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien, at any time within three years after entry, who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decision of the Secretary of Commerce and Labor shall be final.

"SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

"SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, District, county, town, or municipality in which such alien becomes a public charge.

"SEC. 22. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any con-

tagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

"SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

"SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

"SEC. 25. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

"SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

"SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

"SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

"SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful in-

formation regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

"SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 32. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

"SEC. 34. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlawfully in the United States and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

"SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

"SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion, or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

"SEC. 37. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

"SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced from and after July 1, 1913. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled 'An act to regulate the carriage of passengers by sea,' and amendments thereto: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the last proviso of sec-

tion 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect."

H. C. LODGE,
WM. P. DILLINGHAM,
LE ROY PERCY,
Managers on the part of the Senate.
JOHN L. BURNETT,
AUGUSTUS P. GARDNER,
Managers on the part of the House.

The report was agreed to.

REPORT OF POTOMAC ELECTRIC POWER CO. (S. DOC. NO. 1053).

The PRESIDENT pro tempore laid before the Senate the annual report of the Potomac Electric Power Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF WASHINGTON RAILWAY & ELECTRIC CO. (S. DOC. NO. 1047).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Railway & Electric Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF ANACOSTIA & POTOMAC RIVER RAILROAD CO. (S. DOC. NO. 1048).

The PRESIDENT pro tempore laid before the Senate the annual report of the Anacostia & Potomac River Railroad Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF CITY & SUBURBAN RAILWAY (S. DOC. NO. 1049).

The PRESIDENT pro tempore laid before the Senate the annual report of the City & Suburban Railway of Washington for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF BRIGHTWOOD RAILWAY CO. (S. DOC. NO. 1050).

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF GEORGETOWN & TENNALLYTOWN RAILWAY CO. (S. DOC. NO. 1051).

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown & Tennallytown Railway Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF THE CAPITAL TRACTION CO. (H. DOC. NO. 1321).

The PRESIDENT pro tempore laid before the Senate the annual report of the Capital Traction Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF GEORGETOWN GAS LIGHT CO. (H. DOC. NO. 1324).

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown Gas Light Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution adopted by the Legislature of North Carolina, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution memorializing the Congress of the United States to pass the Webb-Kenyon-Sheppard bill, relative to shipping liquors into prohibition territory.

Whereas the State of North Carolina, by a direct vote of the people, has prohibited the manufacture and sale of liquors; and

Whereas the Federal Government under its present laws protects the liquor traffic outside of the State in shipping and delivering their liquors to illicit dealers within the State of North Carolina, thus interfering with the State in the enforcement of her liquor laws; and

Whereas there is now pending in the Congress of the United States a measure known as the Webb-Kenyon-Sheppard bill (S. 4043), which has as its purpose the prevention of interstate shipment of liquors which are to be disposed of in violation of the State laws: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and the same is hereby, earnestly memorialized and requested to pass the said Webb-Kenyon-Sheppard bill at the earliest possible date; and be it further

Resolved, That a copy of these resolutions, properly certified, be forwarded at once to the Speaker of the House of Representatives and to the President of the Senate of the United States.

In the general assembly read three times and ratified this the 29th day of January, 1913.

H. N. PHARR,
President pro tempore of the Senate.
GEO. W. CONNOR,
Speaker of the House of Representatives.

Examined and found correct.

NEWELL, *for Committee.*

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, January 30, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached two sheets to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 30th day of January, in the year of our Lord 1913.

[SEAL.]

J. BRYAN GRIMES,
Secretary of State.

The PRESIDENT pro tempore presented resolutions adopted by the Philippine Assembly favoring the enactment of the so-called Jones bill, providing independence for the people of the Philippine Islands, which were referred to the Committee on the Philippines.

He also presented a memorial of sundry members of the Little Russian National Union, residents of the State of Ohio, remonstrating against the adoption of the so-called "illiteracy test" amendment to the immigration bill, which was ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Humboldt, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Assembly of Alton, Ill., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PAGE presented a memorial of the congregation of the Seventh-day Adventist Church of Wolcott, Vt., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. DU PONT presented a petition of the congregation of the First Baptist Church, of New Castle, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 8139) for the relief of William W. Prude, reported it without amendment and submitted a report (No. 1173) thereon.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service, reported it with amendments and submitted a report (No. 1174) thereon.

He also, from the same committee, to which was referred the bill (S. 6371) to fix the status of officers of the Army detailed for aviation duty, and to increase the efficiency of the aviation service, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PENROSE, from the Committee on Finance, to which was referred the bill (H. R. 2359) to refund certain tonnage taxes and light dues, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 8333) granting an increase of pension to Emily H. Bailey (with accompanying papers); and

A bill (S. 8334) granting an increase of pension to Mary J. Mackin (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8335) to establish the legislative reference bureau of the Library of Congress and the congressional corps of legislative investigators, and to maintain them until July 1, 1914; to the Committee on the Library.

By Mr. SUTHERLAND:

A bill (S. 8336) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment providing for the survey of the channel from St. Johns River to Crescent City,

Fla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for a harbor of refuge for the safe anchorage of vessels at Key West, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRYAN submitted an amendment providing for the improvement of the harbor at Miami (Biscayne Bay), Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment providing for indefinite leaves of absence under certain conditions for employees in the postal service who have become incapacitated through superannuation, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $2,000 to complete the sidewalks, curbing, etc., around the new post-office building at Clay Center, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $100,000 to procure for the Bureau of Standards a large testing machine of fine quality for transverse loads on built-up beams, bridge girders, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HITCHCOCK submitted an amendment proposing to increase the number of post-office inspectors in charge of divisions, at $3,000 each, from 15 to 16, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. DU PONT submitted an amendment proposing to appropriate $50,000 for the acquisition by purchase or condemnation of land for a suitable range for Field Artillery target practice, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $50,000 for continuing the improvement of the harbor of refuge, Block Island, R. I., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment providing for a survey of the Apoon mouth of the Yukon River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE SENATE CHAMBER.

The PRESIDENT pro tempore. On the 15th day of January the Senate adopted a resolution (S. Res. 432), which the Secretary will read.

The Secretary read as follows:

Resolved, That the President of the Senate pro tempore is hereby authorized to appoint a special committee of five Senators. Said committee shall investigate and at the earliest practicable date report to the Senate whether it is feasible and desirable to improve or remodel the Senate Chamber and the rooms thereunto appertaining.

The PRESIDENT pro tempore. Under the terms of the resolution the Chair appoints Mr. REED, Mr. OLIVER, Mr. CUMMINS, Mr. LIPPITT, and Mr. OWEN members of the special committee.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the fiscal year 1912, as required by statute. The same statute provides for the printing, so that no action on the part of the Senate is required. I ask that the report may lie on the table.

The PRESIDENT pro tempore. The report will lie on the table.

THE FEDERAL ADMINISTRATIVE (S. DOC. NO. 1054).

Mr. SUTHERLAND. I have a copy of an article by Jasper Yeates Brinton, assistant United States attorney, Philadelphia, Pa., on "Some powers and problems of the Federal administrative," which I regard as a very valuable document. I ask that the paper be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, I should like to have a little better order in the Chamber.

The PRESIDENT pro tempore. The Senate will be in order. The Senator from Connecticut complains that on account of the confusion he is unable to make himself heard.

Mr. BRANDEGEE. I wanted order so that Senators might hear me while I make a request for unanimous consent. I did not want any question to arise about Senators understanding the request.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BRANDEGEE. Mr. President, there has been upon the calendar for several weeks an important bill concerning the authorization of a dam across the Connecticut River. There is opposition to the measure on the part of some Senators, and the views of the minority have been filed. It is very important that action of some kind shall be taken upon it at this session if possible. I have conferred with the Senator who drew the views of the minority, and he has agreed with me and the chairman of the Committee on Commerce and the Senator under whose immediate charge the bill is that it might be taken up, if the other Senators would agree to it, on next Thursday for consideration and action.

I send to the desk a request for unanimous consent, which I hope may be granted.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, February 6, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, Calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with the unanimous-consent agreement entered into on January 11, 1913, concerning Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

Mr. BORAH. Mr. President, this bill apparently is of local importance only; and it would seem strange perhaps that I should make any suggestions about it; but the bill carries a provision which establishes a policy, as I understand, with reference to power sites in this country.

I am not sufficiently familiar with the bill to express my views as to how I would finally act upon the matter, but it is a matter of vital importance to that portion of the country from which I have the good fortune to come. There is no measure which will come before the Senate at this session of so much importance to the people of the West as this particular measure. I only want to say that, if we are going now to take steps to establish a policy with reference to conservation, I want an opportunity to present a side of that subject which has not yet been given very much attention.

We have succeeded splendidly in tying up all the natural resources of the West, and, so far as they have been tied up as against waste and monopoly, the West does not object; but they have been tied up just as successfully and just as effectively against the people of the West. If a conservation policy is now in its inception, I want, if I can, to attach to the measure some provision which will also give some relief to those who, in good faith, are trying to avail themselves of some of the natural resources of the West. I wish, therefore, the Senator from Connecticut would not make this request for unanimous consent prior to Monday. It may be that by that time I could agree to the date suggested by him, but it gives very little time for discussion in the closing hours of the session, and very little time for consideration. I shall endeavor not to interfere with the consideration of the bill or the convenience of the Senator from Connecticut; but, in view of its great importance to us, I should like to have the Senator defer his request until Monday at least, and then I hope to be able to determine definitely whether or not I can get my amendment ready.

Mr. BRANDEGEE. Of course, Mr. President, I have to yield to the request of the Senator.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the concurrent resolution of the Senate, No. 35, providing for the assembling of the two Houses of Congress for the counting of the electoral votes for President and Vice President of the United States.

The message also announced that the House had appointed Mr. RUCKER of Missouri and Mr. YOUNG of Michigan tellers on the part of the House.

POPULAR GOVERNMENT.

Mr. OWEN. I ask unanimous consent for an order to print 1,000 copies of Senate Document No. 603, Sixty-first Congress, second session, which is exhausted.

Mr. WILLIAMS. Mr. President, before that is granted, reserving the right to object, what is the document?

Mr. OWEN. It is a document giving a list of the various statutes relating to the people's rule system of government.

Mr. WILLIAMS. I shall object to that.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Oklahoma.

DONATION OF CONDEMNED CANNON.

Mr. SANDERS. I ask unanimous consent for the present consideration of the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to deliver condemned bronze or brass cannon or fieldpieces and suitable outfit of cannon balls as follows:

To the city of Lancaster, in the State of Pennsylvania, for the use of General William S. McCaskey Camp, No. 53, United Spanish War Veterans;

To the town of Washington, in the State of Mississippi, for the use of Jefferson College;

To the city of Corinth, in the State of Mississippi;

To the city of Grand Forks, in the State of North Dakota;

To the city of Lakota, in the State of North Dakota;

To the State of North Dakota, for use at the Fort Rice Memorial Park;

To the proper authorities of the State Soldiers' Home at Port Orchard, Wash.;

To the city of Davenport, Wash.;

To the city of Trinidad, in the State of Colorado, for the use of the Trinidad Post, No. 25, Grand Army of the Republic; and

To the city of Rocky Ford, in the State of Colorado, for the use of the Wadsworth Post, No. 93, Grand Army of the Republic.

Mr. SANDERS. On behalf of the committee I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Tennessee offers an amendment, which will be stated.

The SECRETARY. On page 2, line 5, after the word "Dakota," it is proposed to strike out "one" and insert "two."

The amendment was agreed to.

Mr. SWANSON. Mr. President, I should like to offer an amendment.

Mr. OLIVER. Mr. President, I suggest that the Senator from Tennessee has a number of amendments to submit on behalf of the committee. Then other amendments would naturally be in order.

Mr. SANDERS. On behalf of the committee I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 2, after line 12, it is proposed to insert:

To the city of Minot, in the State of North Dakota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

On page 3, after line 2, to insert:

To the city of Raton, in the county of Colfax and State of New Mexico, two condemned bronze or brass cannon and a suitable outfit of cannon balls.

To the town of Lookout Mountain, in the State of Tennessee, two condemned cannon and a suitable outfit of cannon balls.

The amendments were agreed to.

Mr. SWANSON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert:

To the county of Mecklenburg, in the State of Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the city of Jackson, in the State of Mississippi, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. CLAPP. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the city of Bellevue, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the city of Jacksonville, in the State of Florida, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. CHILTON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the Greenbrier Military Academy at Lewisburg, in the State of West Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. PAGE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the county of Lamoille, in the State of Vermont, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the University of Utah at Salt Lake City, in the State of Utah, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. THOMAS. I move an amendment to include the University of Colorado at Boulder, Colo.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the University of Colorado at Boulder, in the State of Colorado, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CLAPP. Mr. President, I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To the city of Virginia, in the State of Minnesota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LACE-MAKING AND OTHER MACHINERY.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 12813) to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill, which will be read by the Secretary.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. PRUDE.

Mr. SMOOT obtained the floor.

Mr. JOHNSTON of Alabama. Will the Senator yield to me for a moment?

Mr. SMOOT. I yield to the Senator.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the immediate consideration of order of business 1040, being the bill (S. 8139) for the relief of William W. Prude.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of a bill, which will be read by the Secretary.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States to appoint William W. Prude, late a cadet at the Military Academy at West Point, second lieutenant of Infantry of the Army, and to place him upon the retired list with the pay of a retired second lieutenant of Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON UNSURVEYED LANDS.

Mr. JONES. I ask unanimous consent to consider the bill (S. 8190) authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 9, after the word "perfect," to strike out "his," so as to make the bill read:

Be it enacted, etc., That any person entitled to enter lands under the homestead laws, who may have established residence upon unsurveyed lands prior to the passage and approval of the act of June 6, 1912, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes relating to homesteads," may perfect his proof for such lands under said act of June 6, 1912, or under the law existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE O. BALLARD.

Mr. PENROSE. I ask unanimous consent for the present consideration of Senate resolution 439, a resolution submitted by me and reported from the Committee to Audit and Control the Contingent Expenses of the Senate, being Calendar No. 1028.

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Caroline O. Ballard, widow of William S. Ballard, late a messenger of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m., Saturday, February 1) the Senate adjourned until Monday, February 3, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 1, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps where the purest and sweetest affections have their birth and from which spring spontaneously faith, reverence, worship, we cry unto Thee, O God, our Father, for help, strength, guidance in the onward march of time, that our lives may be worthy and our acts in consonance with Thy will; that at the end of our earthly sojourn we may merit Thine approval. And everlasting praise be Thine in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

FUR-SEAL INVESTIGATION.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent to make the hearings relating to the investigation of the fur-seal industries of Alaska a part of the report of the Committee on Expenditures in the Department of Commerce and Labor.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to make the hearings in the fur-seal investigation a part of the report. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I will ask the gentleman from Pennsylvania how extensive these hearings are?

Mr. ROTHERMEL. They contain about 1,000 pages, but nearly all of it is in type in the Printing Office. The hearings have been carried away and there is such a demand for them that it will become necessary to have some more printing done in the case. I thought it would be better to make it a part of the report. There has been a tangle in the fur-seal business for 40 years, and we have endeavored to settle the dispute, so far as investigations are concerned, up to this time, so that there will be no investigation needed in the future. I thought it would be a good idea to make a public document of the entire proceedings.

Mr. FOSTER. Mr. Speaker, it seems to me that this is not a very good plan without first going to the Committe on Printing.

Mr. ROTHERMEL. It has been the custom heretofore to make it a part of the report, I understand, and I really feel it is hardly necessary to do that, I would say to the gentleman from Illinois.

Mr. FOSTER. Mr. Speaker, I will state that I have endeavored to get some matters printed as documents heretofore and have been unable to do so because the Committee on Printing has objected to printing these matters as documents. I believe they ought to go to the Committee on Printing, and let that committee decide the matter of whether we shall have this printed as a document.

The SPEAKER. The gentleman is not asking to have it printed as a document, but as a part of his report.

Mr. FOSTER. In practice it would amount to the same thing as though it were printed as a document.

Mr. ROTHERMEL. Mr. Speaker, I would say to the gentleman from Illinois that the entire committee has agreed that it is necessary to do this.

The SPEAKER. How much is there of it?

Mr. ROTHERMEL. There are about 1,000 pages, but about 75 per cent of that is in type in the Government Printing Office.

Mr. FOSTER. Mr. Speaker, I wish the gentleman would let the matter go over to-day.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28499, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for further consideration of the District of Columbia appropriation bill, with Mr. RODDENBERY in the chair.

The CHAIRMAN. When the committee rose yesterday there was an amendment pending presented by the gentleman from Missouri, Mr. BORLAND.

Mr. BORLAND. Mr. Chairman, for the present I will yield to the gentleman from Texas, the chairman of the committee.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to return to page 25 of the bill, under an agreement reached yesterday, for the purpose of offering an amendment which obviates the difficulty which we encountered yesterday.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 25, after line 7, insert as a new paragraph the following: "The portable asphalt plant purchased under the appropriation for repairs of streets, avenues, and alleys for the fiscal year 1913 may be operated under the immediate direction of the Commissioners of the District of Columbia in doing such work of resurfacing and repairs to asphalt pavements, in the repair of macadam streets by constructing on such macadam streets an asphalt-macadam wearing surface, and in the construction of asphaltic macadam surfaces on concrete base as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for the purposes aforesaid is hereby made available for such work: *Provided*, That at no time hereafter shall more work of resurfacing and repairs be done with the portable asphalt plant than can be accomplished with the single portable plant now owned by the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I desire to discuss the amendment which was submitted on yesterday.

Mr. CANNON. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

Mr. CANNON. Mr. Chairman, is this now offered for the first time?

Mr. BORLAND. No; it was offered last night.

Mr. CANNON. I wish to reserve a point of order upon it.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that when the amendment was offered on yesterday just prior to the committee rising, the question of whether a point of order could be raised was presented. The Chair ruled that no point of order having been made until after debate had began it was too late to make the point of order. The amendment of the gentleman from Missouri was offered and read at the Clerk's desk. The gentleman from Texas [Mr. BURLESON] submitted a few remarks and made some inquiries, whereupon the question of whether a point of order could be made or not was raised, and the Chair ruled that it was too late.

Mr. CANNON. I think the Chair was correct.

Mr. BOOHER. Mr. Chairman, this is a very important amendment. It changes the law of this District in relation to these improvements entirely. It seems to me that it is as important as any legislation we have been considering this session. There are but 22 Members present this morning, and I do not believe that legislation of this great importance ought to be entered upon unless there is a quorum present. I therefore make the point of order that there is no quorum present.

The CHAIRMAN. Evidently there is no quorum present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Gardner, N. J.	Lever	Riordan
Alexander	George	Lewis	Roberts, Nev.
Ames	Gill	Lindsay	Rodenberg
Andrus	Gillett	Littleton	Rubey
Ansberry	Glass	Longworth	Rucker, Colo.
Anthony	Goldfogle	Loud	Rucker, Mo.
Ashbrook	Graham	McCoy	Sabath
Barchfeld	Green, Iowa	McCreary	Scully
Bartholdt	Greene, Mass.	McDermott	Sells
Berger	Griest	McGillicuddy	Shackleford
Bradley	Gudger	McGuire, Okla.	Sheppard
Broussard	Hamilton, W. Va.	McKenzie	Simmons
Burke, Pa.	Hamlin	McLaughlin	Slayden
Burke, S. Dak.	Hammond	Madden	Slemp
Burke, Wis.	Hardwick	Maguire, Nebr.	Sloan
Byrnes, S. C.	Hardy	Maher	Smith, Saml. W.
Calder	Harris	Mann	Speer
Callaway	Harrison, N. Y.	Martin, Colo.	Stack
Candler	Hart	Martin, S. Dak.	Stanley
Carlin	Hartman	Matthews	Stephens, Cal.
Claypool	Haugen	Merritt	Sterling
Clayton	Hawley	Moon, Pa.	Sweet
Cooper	Hayden	Morgan, La.	Taggart
Copley	Heald	Murdock	Talbott, Md.
Covington	Henry, Conn.	Needham	Taylor, Ala.
Cravens	Higgins	Nelson	Thayer
Curry	Hill	Norris	Thistlewood
Davidson	Holland	Nye	Tilson
Davis, Minn.	Houston	Olmsted	Tuttle
Davis, W. Va.	Howard	O'Shaunessy	Underwood
De Forest	Howell	Palmer	Vare
Denver	Howland	Parran	Vreeland
Dickinson	Hughes, Ga.	Patten, N. Y.	Warburton
Dies	Hull	Payne	Watkins
Difenderfer	Humphrey, Wash.	Peters	Webb
Dixon, Ind.	James	Plumley	Weeks
Dodds	Johnson, S. C.	Porter	Whitacre
Donohoe	Kindred	Post	White
Driscoll, D. A.	Kinkead, N. J.	Pou	Wilder
Dupré	Kitchin	Pray	Wilson, Ill.
Dwight	Konig	Prince	Wilson, N. Y.
Finley	Konop	Pujo	Wilson, Pa.
Fitzgerald	Korbly	Rainey	Wood, N. J.
Floyd, Ark.	Lafean	Randell, Tex.	Woods, Iowa
Focht	Lafferty	Ransdell, La.	Young, Kans.
Fordney	Lamb	Rauch	Young, Mich.
Fornes	Langley	Redfield	Young, Tex.
Foss	Lawrence	Reilly	
Gardner, Mass.	Lee, Ga.	Reyburn	

During the roll call the Speaker directed that his name be called.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The committee rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum he caused the roll to be called, that 189 Members had answered present, and he reported herewith the names of the absentees to the House.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee finding itself without a quroum he caused the roll to be called, and 189 Members—a quorum—responded to their names, and he furnishes a list of the absentees to the House.

The committee resumed its session.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes instead of 5 in order to explain this amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks that he may proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, the pending amendment which I have offered to the District bill embodies a reform for which I have been fighting since the time when I was a member of the District Committee in the Sixty-first Congress, as my former colleagues on that committee well know. It proposes that a portion of the cost of street improvements shall be assessed against the abutting property benefited. That is the law in an overwhelming majority of American cities. Street improvements of a certain class are classed as a special benefit to the property adjoining the improvement and are not classed as a part of the general tax burden of the community. That is the law in nearly every American city of which I know. In the District of Columbia, on the contrary, street improvements of a very important class—pavements and resurfacing—have been paid for entirely out of the general fund. That general fund, as you know, is made up one-half by contributions from the Federal Treasury, which means the people of the United States and in general, and one-half from the general revenues of the District of Columbia. Toward that one-half contributed by the general revenues of the District of Columbia every property owner and resident of the District of Columbia contributes. The merchant contributes on the little stock of groceries on his shelves toward the raising of that general revenue fund; the householder pays on his little household goods; the teamster pays on his wagon; everybody contributes toward that general fund. Then that general fund is drawn upon to provide the street improvements and construction of streets in localities and in additions, in which after they have been brought to a high state of improvements streets have been opened up, paved, and so on, put upon the market as high-priced property, sometimes as $2 or $3 a square foot, much higher than the property that contributes toward their improvement. While they are in the course of improvement, before they are platted and actually put upon the market, they are assessed at comparatively low rates, and contribute only as unplatted property toward this general fund which is going toward their improvement and advancement. Now that is the concrete condition of affairs here. This amendment provides that half of the cost of street improvements shall be charged against the abutting property on both sides, which would mean that one-fourth of it would fall upon a particular piece upon one side. We take the average width of the running surface of the street at 32 feet. The amendment provides that where the street is 32 feet or less one half shall be paid by the property owners on both sides and the other half shall be paid out of the general fund. Where the street is wider than 32 feet, one-fourth of the excess over 32 feet is charged against the abutting property owner. The reason of that, of course, is apparent. There are in the District a number of exceptionally wide streets, more than there are in some of the other American municipalities, and it is only fair that the excessive width shall be only partly borne by the adjoining property. These exceptionally wide streets are in the down-town district, where improvements have been made, so as a practical question we can not improve except on the resurfacing, which is not a very expensive matter.

The amendment also provides that the part which must be paved by the street railway company shall be deducted from the cost of the construction of the street. So that in the aggregate the down-town property will not be charged with a great deal of expense. Now, I am free to confess that I believe it would be perfectly fair on a 32-foot street, or any average width of street, to charge the abutting property with the total cost of the construction or reconstruction of the street, because that is true in 62 per cent of the American cities. In addition to that, gentlemen, as most of you know, the abutting property pays in many cities for the repair of the street. But this amendment leaves the repair of the street still at the expense of the general fund. This is a very conservative amendment. It not only leaves the property owner free from the expense of repair, but it only charges him with one-half of the cost of construction and one-fourth of the excess over the average width of the street. I am free to say that I would have drawn the amendment to make him pay all the cost of a 32-foot street, but this amendment has been prepared with a great deal of care by the assistant engineer officer of the District. I believe in having the principle

established that the abutting property contribute, and then we can amend in the future if a demand appears. If they ask for better or further legislation, we, of course, are in position to give it to them from time to time. But at present it is the principle that we are contending for, that a portion of this expense must be paid by the abutting property owner. Now it has been said, and it may be raised in the course of this argument, that a little property owner who has bought his home on the installment plan may be affected by this proposition. The contrary is true. The little property owner who has bought his home on the installment plan will be relieved by the operation of this amendment. He is now being taxed to pay for the construction of the new property. He is not being taxed for his own property, because he bought his own property from the builder, who was engaged in the speculation of putting up these houses. But he bought it with the street improvements put in new, and paid a price which covered those improvements, and he is now taxed for the other property which is sold by the same builder on the installment plan.

Mr. FRANCIS. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Ohio.

Mr. FRANCIS. What does your amendment define a special improvement to be? Within what limits is it?

Mr. BORLAND. It is confined to one class of special improvements, the surfacing of streets and the construction of the same. And it extends the same rule to those streets that now applies to sidewalks and alleys. And that is all. Now suppose we take a little property owner who has bought a house on an 18-foot lot, and that may be at least the average width, although, perhaps, it is a little wider than the average width, of these cheap houses. Suppose he is on a 32-foot street. He and the property owner across the street from him pay for 16 feet of that. In other words, each of them pay for 8 feet, and he pays on 18-foot frontage.

The new construction or entire reconstruction of that street would not cost over $2 a yard, and his whole cost in 11 years would be $32 if he paid for the entire construction of the street. But the resurfacing, which might occur once in five or six years, would not cost over more than $16 or $17 in the entire five or six years. There is not a chance of a hardship on the little property owners or nothing in the argument that he is being taxed for the larger property owner, but it is to equalize the conditions between the little property owner and the big property owner that this amendment is introduced. And, more than that, it is to equalize the condition between the little merchant and the little teamster and the person who is paying on personal property for the construction of these streets. You all know that the bankers and rich men do not pay on securities. They do not pay a penny on the magnificent fortunes here toward the maintenance of the District of Columbia, and, of course, they do not pay for street improvement. The person that has tangible property in the District, who pays a personal tax, and who has only a little bit of a grocery store, pays for the construction of these streets.

Mr. JOHNSON of Kentucky. I invite the gentleman's attention to the further fact relative to the payment of tax upon tangible property, or not paying it upon intangible property, that under an act of Congress personal adornments are exempt from taxation, so that those who wear thousands and thousands of dollars worth of diamonds in the District of Columbia are exempt by act of Congress from paying taxes upon them.

Mr. CANNON. The gentleman says the bankers and plutocrats do not pay on securities and property, and so forth. The gentleman says that those who have the diamonds and precious jewels do not pay. I want to ask the gentleman if it is not in the power of Congress to enact legislation that will make the so-called plutocrats pay and those with the fortunes in diamonds pay, and if that would not be better than to tax in the aggregate the great majority of the people in the District who own their little homes? Is it not better to recollect——

Mr. BORLAND. Mr. Chairman, I shall join very heartily with the gentleman from Illinois [Mr. CANNON] in the tax reform that he suggests. I am glad that the suggestion comes from him, and I am going to second his efforts with all the determination that I have. But we do not necessarily take the place of this legislation by doing so. The gentleman's argument points out the necessity for this very legislation.

This legislation is a part of the reform to secure justice between property owners, big and little. In my city and district, and I undertake to say in other cities represented by gentlemen here, when real estate men are getting ready an addition for the market they sometimes pave the streets, put in the sewers, put in handsome waiting stations at the car lines, and everything to make the property attractive, and then donate those improvements to the city when they offer their addition for sale. They do not wait for the ordinary machinery of law, but in all cases they, not the property owners, have to pay for those improvements.

Now, we come here to the situation in the District of Columbia, where they have never paid for these improvements. They have always been paid for out of the general fund, one-half of which is paid by the people of the United States at large, so that, unlike the situation in my city, the citizen here will not pay for the street improvement of his own property.

Mr. CANNON. Mr. Chairman, are we operating under the five-minute rule?

The CHAIRMAN. We are operating under the five-minute rule.

Mr. BORLAND. Mr. Chairman, did I consume all of my time?

The CHAIRMAN. All but three minutes.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. Under the rules of the House, Mr. Chairman, legislation is prohibited on appropriation bills. At times those rules by special order have been nullified for the time being, and unless points of order are made promptly items on appropriation bills subject to points of order or amendments to appropriation bills subject to points of order are not subject to points of order after debate has begun on such amendments. That is the case here.

Now, it is difficult in five minutes to talk adequately about this amendment, and if I do not get through in five minutes I am going to ask for an additional five minutes. Here is legislation, far-reaching, proposed without notice to the House, without any investigation, so far as I know, and certainly without even the introduction of a bill referred to the Committee on the District of Columbia, to tax according to the size of the lot, the linear foot, one-half of the improvement and the resurfacing where the surface of the street is to be renewed, and in the name of benefiting the poor man, the small property holder.

Mr. Chairman, I never owned a foot of property in the District of Columbia, and never expect to. The temptation was strong during this great development of Washington and my service in the House, but I refused to purchase for the simple reason that, as one of the common council for the District, I preferred not to be embarrassed. It was not unlawful to purchase, and I will not say it was contrary to good taste, but I preferred not to be embarrassed in the premises.

Now, what is this propostion? It is to tax, without regard to the value, the property upon the various streets for construction and for resurfacing. Let us see how it would operate. Take Pennsylvania Avenue as an example. I find that there is 91 feet of it. You take out the street car tracks that the street car companies would have to care for, and after you would take out the curbs there would be subject to this taxation 30 feet of it on the adjacent property on each side, that would pay half; and 13½ feet for resurfacing, one-fourth.

Go to F Street; go to G Street. Why, property is constantly decreasing in value on this great, wide Pennsylvania Avenue, while it is constantly increasing in value on F Street and G Street. Property is now worth $30 or $40 a square foot there, and you can not, I dare say, as far as Sixth Street—maybe Seventh Street on the Avenue—you can not get $3 or $4 a square foot. And yet on this broad avenue the many little property holders must care for that broad thoroughfare in this resurfacing.

Take the whole of Washington from the Capitol to the Eastern Branch. There are many streets, wide streets, that are not worth one-tenth part of what property on Massachusetts Avenue from Dupont Circle away out to Rock Creek is worth. Yet there is the same charge. Now we have plenary power.

Mr. TAYLOR of Ohio. I might say also that that valuable part of Massachusetts Avenue from Dupont Circle west is improved and will not be taxed for many years to come.

Mr. CANNON. Precisely. "He that hath, to him shall be given; and he that hath not, from him shall be taken even that which he hath." That was meant from the spiritual standpoint. Here is a proposition, as I see it, that comes from the physical and material standpoint.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois be given time to conclude his remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Illinois be given time to conclude his remarks. Is there objection?

There was no objection.

Mr. CANNON. I shall not take much time. I do not wish to weary the Committee of the Whole. Now, in the aggregate,

the small property holders in Washington, as I believe, are to be found where the property is the least valuable; and this proposition is that if somebody has 30, 40, or 50 feet in depth and 20 or 30 feet in width, with a shanty on it that is not worth $100 or $1,000, he shall pay just the same as the owner of an apartment house or a six-story hotel like the National Hotel or the Metropolitan Hotel, on the Avenue, and so on. The little fellow, colored or white, who may have only 50 feet in depth, with a one-story shack upon it, pays just as much under this law as the man pays who has a six-story building. He pays just as much as the property owner on F Street or just as much as the owners of the Willard Hotel or property in that neighborhood, where it is said that the ground sells for from $30 to $40 a square foot. And this is proposed in the name of benefiting the poor man.

Gentlemen, take the great houses in this city that cost $100,000, $200,000, $300,000, or half a million dollars, if you choose. It is an open secret that property of that kind does not, according to what it cost, pay one-half of the proportionate tax that the little property of the poor clerk or poor laborer pays. As assessments go in this District the poorer property owners pay two or three times as much tax in proportion to the value of their property. It is said that this policy is pursued in order to enable good improvements to be constructed in this city. Yet under this law the cheap property, that is not worth one-tenth as much as the expensive property, pays just as much for the construction and resurfacing of pavements as does that very valuable property. Oh, they say that they cut off hills and fill valleys, and that great avenues are laid out, and that great capitalists and real estate speculators build houses and sell lots. Yes; they do.

Now, we have plenary power. The gentleman from Missouri [Mr. BORLAND] says he wants to relieve the poor man and the multitude of them in Washington, with their little homes, paying taxes already overburdened in comparison, from paying for the improvement of these great avenues. We have plenary power, and I would be ready to join hands with the gentleman from Missouri [Mr. BORLAND] under well-matured, well-considered legislation providing that in the improvement of that kind of property the owner of the more valuable property should pay a part or all of the expense, if you choose, of paving or resurfacing the streets.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. BORLAND. The House had that plenary power during all the eight years that the gentleman from Illinois was Speaker of the House and appointed the Committee on the District of Columbia. That furnished a fair opportunity to put the gentleman's views into operation.

Mr. CANNON. The gentleman is correct. I was Speaker for eight years. Before that I was chairman of the Committee on Appropriations. The gentleman from Missouri says that the bankers do not pay, and that the street car companies and others did not pay proper taxes. But Mr. Babcock, who was chairman of the Committee on the District of Columbia, being sick, the Committee on Appropriations, of which I was chairman, took up of necessity the question of amending the tax law of the District of Columbia, and that committee spent weeks upon a tax law, and there came a special order making that bill in order as an amendment to the District of Columbia appropriation bill, which had been matured by the committee after full notice to all the District, full hearings, and ample discussion. For the time being the Committee on Appropriations became, as to that legislation, practically a Committee on the District of Columbia.

We made it in order, and, as I recollect, 3 to 4 per cent was levied upon the gross earnings of the banks, and a similar amount upon the gross receipts of the street railways. So that while it is true the District Committee did not report it, yet is that any reason why, with a hop, skip, and a jump, the gentleman from Missouri should turn a double somersault, able as he is and having given the investigation that he has, in the twinkling of an eye, and put upon us this legislation that I assert here now will relieve the bankers and the alleged plutocrats and the capitalists and the real estate men and put a further burden upon the small property holder, the poor negro, the poor clerk, and men who live within Washington proper.

Now, if we entered on this matter at all I doubt if there is a man in the House, except my friend from Missouri and possibly the chairman of the District Committee, who is prepared, with a hop, skip, and a jump, in the closing days of the session of Congress, to prepare a proper amendment. The gentleman says, "Why, you can offer an amendment to tax these people as they extend new avenues and go into real estate speculation." Oh, yes; it is easy to say that, but my observation is that it is not an easy task to mature a tax system and do it intelligently under the five-minute rule right off the bat. It requires study and investigation.

Now, the gentleman says that in Kansas City the whole of this charge is placed upon the adjacent property holders without regard to its improvements, without regard to its value. I apprehend that is true. The whole of the charge in certain streets in Danville was placed there, but it works a great hardship. Nevertheless the ordinance was passed and the tax was paid, but property that was worth $200 a front foot paid no more for the improvement of these streets than the property a mile away that was not worth $10 a front foot. It worked an injustice, and yet the desire to have good streets made us pass the ordinance, and the tax was collected.

Now, I want to say, touching the District of Columbia, that it is not on all fours with Kansas City. Kansas City has had a wonderful growth, but it has not had time to apportion the taxes there equitably. It is a wonderful business city and has had wonderful prosperity. Washington, in the aggregate, is made up in its population of clerks, messengers, watchmen, and the great aggregate of them are poor men. It is not a manufacturing city; it is not a business city, except as retailers furnish to the 300,000 people that which they desire to buy. Of course, we come in here and see the beautiful city, one-half of the expense of which is borne by the Government and one-half by the District, and we think they are a favored people. But, gentlemen, they are not the favored people. There are bright people in the public service in Washington; they are splendid and magnificent in intellect. They come here and drop into a groove; but whenever I see one come here and drop into that groove—and I am now speaking of the average man—I feel like saying, "Abandon hope all ye who enter here," because they fall out of acquaintanceship in Illinois, in Missouri, and Oklahoma, and they live and die spending their month's salary, in many cases two or three months in advance, and, speaking respectfully, they get the dry rot. [Applause.] When they drop out of the service they have no way to live. That is a penalty instead of a benefit.

Now, I would have been glad if the gentleman from Missouri, in precipitating this amendment upon the House, had thought about it and had provided for all or a part of the improvement of streets and avenues that extend far out to the northwest, and after a while may extend to the northeast. I would have been glad if he had separated the improvements of that kind and said how much or all that should be made at the expense of the proposed new property that sells from two to three or four dollars a square foot, whereas you can not get one quarter of that here; and when you get down into the territory of the southwest and the southeast property is hardly worth owning.

It is not equitable; it is not fair. Our Democratic friends are soon to come into full power with full responsibility. You are going to have a session of Congress commencing somewhere in March or April. It may be a long session. You have two years in front of you with full power, and I apprehend that my friend from Missouri [Mr. BORLAND], still being in the House, will retain his place on the Committee of Appropriations and will be on the—perhaps upon the subcommittee on the District of Columbia. I know that he is able; I know that he is zealous. I am not criticizing him personally; I am commending him; but I do say that, in my opinion, upon this bill in the closing days of this session of Congress, we have neither the time nor the information to properly and equitably enact this legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, in the discussion of this most important subject I believe no better way of discussing it can be had than to go just a little bit into the history of affairs. At one time we had simply the city of Washington, bounded on the south by the Potomac River, upon the east by the Eastern Branch of the Potomac River, upon the north and the northwest by Florida Avenue, and upon the west by a short strip of Rock Creek Park. When the Federal Government concluded to adopt what is known as the half-and-half plan for the city of Washington its contemplation was that it would adopt the half-and-half plan for the about 6,000 acres which composed the original city of Washington.

Mr. SHERWOOD. Mr. Chairman, the gentleman does not mean 6,000 acres in the original city of Washington. It was built in a wilderness.

Mr. JOHNSON of Kentucky. Still that was the original boundary and embraced about 6,000 acres. In those 6,000 acres were the Anacostia Flats, the Mall, and the Potomac Flats.

When you take those swamps that existed then from the 6,000 acres you have a comparatively small portion left. Congress did agree to appropriate half for the current expenses of that, but by an act of Congress that boundary has been obliterated. You have now no city of Washington, you have no city of Georgetown, but you have instead the District of Columbia, and the half-and-half plan now extends to the 69¾ square miles of the whole District of Columbia.

Tracts of land in the District of Columbia, in the midst of primeval forests, are opened up and laid out into town lots. Under that plan the District of Columbia calls upon the Federal Government to pay one-half for the expense of the streets that are opened and macadamized and paved through that, and the Federal Government does it.

The Federal Government pays its half. Across the eastern branch of the river you find streets laid out and you find authority for Congress to go in there and pave them with asphalt, where there is almost not a house, and if you will look to-day you will find the boxes of the rural route established there. Is that what Congress contemplated when it agreed to go upon the half-and-half plan for the city of Washington? I say that no such contemplation was entertained.

To go further along with the history of the District of Columbia, the act of June 11, 1878, which is the half-and-half plan, taxation was made "uniform." Taxation now in the District of Columbia is not uniform. When did it lose its uniformity? It lost its uniformity under the act of 1902, when the gentleman from Illinois [Mr. CANNON] was chairman of the Committee on Appropriations. At that time the Committee on Appropriations brought in an appropriation bill for the District of Columbia, and brought in with it a rider of four or five printed pages changing the plan of taxation in the District of Columbia. By that bill the original rate of taxation of $1.50 a hundred upon real estate was changed to $1.50 a hundred upon a two-thirds valuation, instead of $1.50 upon a real valuation as had been theretofore.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. CANNON. In language the gentleman is correct. In fact he is wrong. In other words, under the operation of that act of 1902 there became a real valuation, more nearly real than ever before that time, by far. Property theretofore was taxed happy-go-lucky and without a full consideration, and Congress concluded that if we could get a real valuation and then make it two-thirds, we would get far greater revenue than we were getting under the assessments and the mode of taxation in vogue up to that time, and such proved to be the fact. The revenues have constantly increased from that time to the present.

Mr. JOHNSON of Kentucky. Mr. Chairman, as I was saying, before this rider was attached to the appropriation bill in 1902 the rate of taxation in the District of Columbia was "uniform."

Mr. CANNON. It was still uniform.

Mr. JOHNSON of Kentucky. The adoption of that rider on the appropriation bill brought about the change that I was mentioning. The act of June 11, 1878, the organic act, provided that real estate should be taxed at $1.50 a hundred upon its real value. The rider to which I have just referred changed that law and made the tax rate $1.50 upon two-thirds of its real value. That makes the tax upon real estate a dollar a hundred, and that same rider, gentlemen, did another thing: It left the tax standing at a dollar and a half as to the real value upon the tangible personal property, so the tax law was made to discriminate in favor of real property as against personal property. Real estate is now taxed at a dollar a hundred, and personal property in the District of Columbia is taxed at $1.50 a hundred.

Mr. Chairman, the gentleman from Illinois [Mr. CANNON] has just criticized this procedure of coming in, as he says, in the last few days of a session to correct the manner of building streets in the District of Columbia. Let me invite the attention of the gentleman from Illinois to the fact that when he, as chairman of that committee in 1902, placed this rider, to which I have referred, upon the District appropriation bill, that it did not pass this body until the 3d day of March, just an hour before the adjournment of Congress. With more than 30 days——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I trust the gentleman may have such extension as he may desire.

Mr. SIMS. Mr. Chairman, I ask that the gentleman be permitted to conclude his remarks, as he is chairman of the District of Columbia Committee.

The CHAIRMAN. The gentleman from Illinois and the gentleman from Tennessee ask that the gentleman from Kentucky may be permitted to proceed and conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, with some 30 days yet remaining of this session I contend there is ample time to give due consideration to this amendment, and I believe the gentleman from Illinois should be the last of all those here to criticize, in view of the fact that he succeeded in having passed a discriminatory act as to taxation one hour before the final adjournment of Congress in 1902.

The gentleman has said that he has never owned a foot of ground in the District of Columbia. For that I most genuinely and sincerely congratulate him. I have no doubt that his opportunities to have grown rich from real estate transactions here have been many, and I congratulate him most heartily that he has declined them. Mr. Chairman, we have over the signatures of great men who have been in this body and in the other end of the Capitol the statement that they have grown rich out of real estate speculations in the District of Columbia. We know it to be a fact that a recent Vice President of the United States carried real estate in the District of Columbia in the name of his secretary. That statement became a public statement when Mr. Saunders, one of the most reputable and prominent real estate dealers in the District of Columbia, appeared before the Committee on the District of Columbia not a great while ago and made that statement. Now, Mr. Chairman, the question comes down to this: Will the Federal Congress continue to pay half of all the expenses for building the streets in the wilderness portion of the District of Columbia when it was not contemplated in the act of 1871 when the boundary line of the city of Washington and the boundary line of the city of Georgetown were wiped away and these 69¾ square miles were made one municipal corporation instead? The wording of the amendment which the gentleman from Missouri [Mr. BORLAND] offers is that when streets lying in front of property owned by the Federal Government are improved the Federal Government must come in and pay its proportion of building the streets just like a private citizen would. What can be fairer, what can be fairer? But to say that a man can own 10 or 100 acres out here in the unbroken wilderness of the District of Columbia and lay it out in lots, streets, and alleys, and come in here and ask the Congress to appropriate a quarter of a million dollars perhaps, and it has been done many times, to build asphalt streets and granitoid pavements through it, and then sell those lots to the poor, not for what they were worth before the Federal money was spent upon them, but for what they were worth before plus the hundreds of thousands of dollars added to them as a subsidy by the Congress.

Talk about the poor! There are three classes of people in this District—one is the rich, the other is the middle class, and the other is the poor. The rich we know, and everybody else knows, are escaping taxation. This is the haven of the tax dodger. Here the rich man can live and die cheaper than anywhere else on earth. We have here no inheritance tax. I have been endeavoring to get out of the District of Columbia Committee an inheritance-tax bill introduced, I believe, by the gentleman from Minnesota [Mr. NYE]. Thus far I have been unable to do so, and it is a sad commentary that even if we did get it out there is a death trap at the other end of this building for such measures.

But, Mr. Chairman, reverting for just one minute to the question of Representatives and Senators owning real estate in the District of Columbia. In the Washington Post of August 28, 1911, is the following most significant statement. It reads as follows:

> The drift of the well-to-do and influential element toward this city could take no better turn than we see in the increasing number of congressional homes. Once they become interested it is noticeable that Members undergo a change of heart that bodes no ill for the municipality. Naturally they come to see that Washington really needs all that Washington people are asking for. Already we owe much to the efforts of Senators and Representatives who have made permanent investments here, and conceivably the good offices of many others would be quickened if proper influences were brought to accelerate the movement from the "deestrict" to the District.

Mr. SIMS. Does it specify what those "proper" elements are that are going to bring about the action of which the gentleman has just read?

Mr. JOHNSON of Kentucky. I can only say this, that but recently one of the Commissioners of the District of Columbia told me that one of the richest and most powerful men in the District of Columbia had told him that he had made it his policy to have influential Members of the House and Senate purchase real estate in the District of Columbia, in order that their assistance might be had toward keeping down the taxes and toward securing improvements in the District.

Mr. SIMS. All of which that commissioner, I suppose, heartily approved?

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. JOHNSON of Kentucky. Yes, sir.

Mr. HAMILTON of Michigan. Is it true or is it not true that the proportion of Representatives who own property in the District of Columbia is quite small on account of the brevity of their tenure?

Mr. JOHNSON of Kentucky. I believe it is comparatively small, and I am perfectly frank to say that I believe the article which I have just read from the Washington Post is a libel upon Members of Congress. [Applause.] I know that there are men in this body, and I know that there are men in the other body who own their own homes here, that are just as far from being corrupt as the Almighty Himself, and this article is but another of the many libels heaped upon Members of this House who will not blindly go and do their bidding. Now, Mr. Chairman——

Mr. HAMILTON of Michigan. That is making them a little too honest. [Laughter.]

Mr. JOHNSON of Kentucky. No, sir. I believe the people have selected to come here and represent them some of the most honest men in the United States.

Mr. HAMILTON of Michigan. I agree with that, but I want to suggest that when the gentleman states that men are as honest as the Almighty, that is putting it strong.

Mr. JOHNSON of Kentucky. I believe there are men here who are absolutely and perfectly honest. For perfect honesty there can be no exaggerated comparison.

Mr. MURDOCK. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes, sir.

Mr. MURDOCK. The gentleman started to segregate the people of this District into three classes, and he mentioned, first, the rich, and then he spoke of the middle classes of this city. Who constitute the middle classes?

Mr. JOHNSON of Kentucky. As I was saying, the rich are the rich. That is definition sufficient. They are the people who own magnificent homes. They are the people who have big bank accounts. They are the people who have bonds and securities securely locked up, upon which they pay no tax, and they are the people who steer this ship of state from behind. Then, again, we have the humble house owners, and those are the middle class. And then we have those who are too poor to own a home. And by the act of 1902, to which I have just referred, a man who owns a house and leases it pays a dollar a hundred tax upon the house and ground upon which it stands, while the man who is too poor to own a house must pay a dollar and a half a hundred tax upon his little personal effects.

Now, one other feature in this matter presents itself to me. It is no new idea with me, and last fall I prepared a table upon the subject. The table which I now have in my hand has each of the 48 States upon it, and it shows, according to population, what proportion each State bears toward this subsidy granted by Congress to the District of Columbia.

Why, gentlemen, we come here and fight among ourselves, not only day after day, but week after week, as to whether or not the Federal Government shall build one battleship or two. Yet we can scarcely secure a corporal's guard, a dozen men, to come here and participate in the consideration of the District of Columbia appropriation bill, by which every Congress grants as a subsidy to the District of Columbia more than the cost of a *Dreadnought* and pay no sort of attention to it. We fight among ourselves here as to whether the widow of a distinguished general in the War of 1861–1865 shall be paid a pension of $50 a month, and yet we come here and pay as a pension to the widow of a policeman the salary of $50 a month and never ask a question. Part of that pension comes from the revenues of the District of Columbia and the rest of it comes by reaching into the Treasury of the Federal Government for it.

What does each State pay toward this subsidy of which I am speaking? Alabama pays $144,571; Arizona pays $13,770; Arkansas pays $106,081; California pays $160,260; Colorado pays $53,841; Connecticut pays $75,116; Delaware pays $13,633; Florida pays $50,714; Georgia pays $175,810; Idaho pays $21,939; Illinois, $379,945; Indiana, $181,993; Iowa, $149,912; Kansas, $113,941; Kentucky, $154,301; Louisiana, $11,612; Maryland, $50,023; Massachusetts, $87,284; Michigan, $226,849; Minnesota, $189,356; Mississippi, $121,089; Missouri, $221,915; Montana, $25,340; Nebraska, $80,335; Nevada, $5,517; New Hampshire $29,013; New Jersey, $170,962; New Mexico, $22,055; New York, $614,103; North Dakota, $38,884; Ohio, $321,223; Oklahoma, $11,664; Oregon, $45,333; Pennsylvania, $516,498; Rhode Island, $35,562; South Carolina, $102,107; South Dakota, $39,344; Tennessee, $147,218; Texas, $262,561; Utah, $25,158; Vermont, $23,985; Virginia, $138,918; Washington, $76,951; West Virginia $82,282; Wisconsin, $157,262; Wyoming, $9,836; and the District of Columbia, $22,308.

Mr. KINKAID of Nebraska. Mr. Chairman, will the gentleman yield for a single question?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KINKAID of Nebraska. Upon what basis is that table ascertained?

Mr. JOHNSON of Kentucky. As I said before reading it, on the basis of population.

Mr. TOWNER. What census?

Mr. JOHNSON of Kentucky. The last census.

Mr. MURDOCK. Mr. Chairman, I want to get this correctly in my mind. Does the gentleman's table show that the States of Pennsylvania and New York pay annually over a million dollars taxes to the District of Columbia?

Mr. SIMS. Yes.

Mr. JOHNSON of Kentucky. New York pays $614,103 and Pennsylvania $516,498.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MOORE of Pennsylvania. Does the gentleman mind telling us how he arrives at the figures in this particular table? The proportions, as I understand, are based on the population of the States, and, as the gentleman states it, each State contributes so much to the maintenance of the District of Columbia. I want to ascertain the manner in which the statement was prepared.

Mr. JOHNSON of Kentucky. For the fiscal year—for the current year——

Mr. MOORE of Pennsylvania. Based on general appropriations?

Mr. JOHNSON of Kentucky. Yes. For the current year the Federal Government has subsidized the District of Columbia to the extent of $6,197,403.

Mr. MOORE of Pennsylvania. Then the gentleman divides that amongst the States as per population?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE of Pennsylvania. I see.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, I have here, if the committee will bear with me just a little bit, some more very intersting figures. For streets, sewers, and water mains the State of Alabama pays $14,097.

The State of Arizona pays $1,347; the State of Arkansas, $1,380; California, $15,675; Colorado, $5,267; Connecticut, $7,350; Delaware, $1,335; and so on through with all the States; showing that the subsidy for streets paid by the States of this Union to the District of Columbia amounts to $606,472 this fiscal year.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield? The gentleman used the term that annually the United States "subsidizes" the District to the extent of something over $6,000,000.

Mr. JOHNSON of Kentucky. Yes; for the current year, $6,197,403.

Mr. YOUNG of Michigan. How many cents?

Mr. BURKE of South Dakota. Does the gentleman think the word "subsidizing" is the proper term?

Mr. JOHNSON of Kentucky. I use the term advisedly.

Mr. BURKE of South Dakota. That is the amount of money that Congress annually appropriates.

Mr. JOHNSON of Kentucky. That is the amount of money that Congress appropriated for the current fiscal year. For the approaching fiscal year they are asking considerably more.

Mr. BURKE of South Dakota. That is the appropriation for the District of Columbia.

Mr. JOHNSON of Kentucky. Yes.

Mr. BURKE of South Dakota. And that is what the gentleman refers to as a subsidy; that is one-half of the moneys that are expended in the District of Columbia for its government.

Mr. JOHNSON of Kentucky. Yes. The total amount contributed for the present fiscal year is more than six millions.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HELGESEN. Can the gentleman tell this House how much each State would contribute to the expenses of the government of the District of Columbia if the National Government paid its share of the taxes on the property it owns here at a full valuation, under the ordinary system of taxation?

Mr. JOHNSON of Kentucky. It is the old, old rule that the king pays no taxes. For the Federal Government to tax itself, collect the money, and return it into the Treasury would be the equivalent of taking money out of one pocket and putting it into the other.

Mr. TAYLOR of Ohio. That is what it is doing now to the extent of $6,000,000.

Mr. JOHNSON of Kentucky. The gentleman from North Dakota [Mr. HELGESEN] has put a hypothetical question for the answer to which there is absolutely no basis to work from. If it were a real question instead of a hypothetical one, then we would have a basis from which to fix it. The statement has been made so many times that some people have come to believe that the Federal Government owns one-half of all the property in the District of Columbia.

In 1873 or 1874 Gov. Shepherd made the statement, which found its way into print, that the Federal Government owned one-half of all the property, not in the District of Columbia but in the city of Washington, the city of Washington being then bounded, as I have said, by what is now Florida Avenue. But that statement made by Gov. Shepherd was based upon values and not upon area.

We all know that the Federal buildings here have cost a great deal more than any other buildings in the District. As to what their value is I am not advised. But when we come to area, only one-sixth of the entire District of Columbia is built up, and then, if we consider Federal property in the District of Columbia that is used for Federal purposes alone, we have another subject.

The Federal Government owns Potomac Park, but Potomac Park is not owned by the Federal Government for the exclusive use of the Federal Government. Potomac Park is owned by the Federal Government, improved and kept up for the pleasure of the citizens of Washington. The Federal Government owns Lafayette Square, opposite the White House, but that square is not for the exclusive use of the Federal Government. It is for the use, the pleasure, and the health of the citizens of the city of Washington. The Federal Government owns Lincoln Park. That is not owned for Federal use. It is owned and kept for the pleasure and recreation of the citizens of Washington. Does anybody tell me that that should be a basis for taxation between the Federal Government and the District of Columbia?

I say no; and I further say that when we come to ascertain how much property the Federal Government owns in the District of Columbia for Federal use exclusively, that it is my opinion that all told it is less than 20 acres out of more than 50,000 acres.

Mr. SIMS. May I ask the gentleman a question right there?

Mr. JOHNSON of Kentucky. Certainly.

Mr. SIMS. I want to ask the gentleman if it is not a fact that Potomac Park and Rock Creek Park, while owned by the Federal Government, are practically inaccessible to the clerks, the Federal employees of whom the gentleman from Illinois [Mr. CANNON] spoke awhile ago, and to the average citizen of the District of Columbia? I ask the gentleman if they are not almost altogether used by well-to-do people who go there in their carriages and automobiles?

Mr. JOHNSON of Kentucky. Almost exclusively used by the rich. Show me one man or woman or child afoot in Rock Creek Park, and I will show you 5,000 in automobiles and carriages.

Mr. CAMPBELL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. CAMPBELL. Did the gentleman from Kentucky ever walk out through there?

Mr. JOHNSON of Kentucky. No, sir; I will never walk out there; it is too far.

Mr. CAMPBELL. I have walked out there, and I have seen thousands on foot where I have seen one in an automobile. I have walked out there holidays and every Sunday.

Mr. JOHNSON of Kentucky. There is not a Member on the floor of this House who will agree that he has seen the same thing.

Mr. TAYLOR of Colorado. Oh, yes; I have.

Mr. MURDOCK. I think the gentleman is mistaken.

Mr. FARR. I think the gentleman from Kansas is right.

Mr. HAYES. Mr. Chairman, I want to say that I can testify to the correctness of the statement made by the gentleman from Kansas. I have seen thousands on foot in Rock Creek Park where I have seen a hundred in automobiles.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not believe that I am blind.

Mr. SISSON. The gentleman is not blinded by the interests.

Mr. JOHNSON of Kentucky. As suggested by the gentleman from Mississippi, the interests have not blinded me, either.

Mr. BURKE of South Dakota. The gentleman from Kentucky has given the subject of District affairs a great deal of consideration, and will he tell us how the taxes in the District of Columbia compare with the taxes on property of a similar character in other cities of the population of the city of Washington?

Mr. JOHNSON of Kentucky. I am glad the gentleman asked me that question. I have no table here to read the exact figures from, but I do not hesitate to make the broad statement that taxes in this municipality are less than that of any other city of the same size in the United States. The newspapers are undertaking to blind the people upon that subject. Take the metropolis of my own State, the city of Louisville. There they have a city tax, there they have a county tax, and there they have a State tax. Here you have only the city tax, without the county tax or the State tax. I say that every other city of any consequence in the whole United States, when these three taxes are added together, pays a much larger tax than does the city of Washington.

Mr. BORLAND. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. BORLAND. I want to call the gentleman's attention to a further analysis of the gentleman's position by stating the fact that most all cities have a State tax, a county tax, a city tax, a school-district tax, and a special improvement tax, all five included in this one tax here.

Mr. JOHNSON of Kentucky. That is true, and we have but one tax here. As the gentleman from Illinois [Mr. CANNON] said a few moments ago, the tax upon the big property is less than it should be and the tax on the little home is more than it should be. In confirmation of that I refer gentlemen to the report recently filed in this body by the Committee on the District of Columbia showing that there are 40,000 homes here that are overtaxed, and during the inquiry and during the publicity that was given to that inquiry only one man had the courage to say that he was undertaxed, and that was Gifford Pinchot, and I wish to commend him most highly for it.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MICHAEL E. DRISCOLL. The gentleman has given the subject of taxation much thought and consideration. I will ask the gentleman if he has any information as to how the tangible property and the intangible property has escaped readjustment of taxation?

Mr. JOHNSON of Kentucky. That depends upon how you readjust.

Mr. MICHAEL E. DRISCOLL. I mean how is it brought about?

Mr. JOHNSON of Kentucky. You see in the daily press, you see it every day, that there is a "compact" between the District of Columbia and the Federal Government relative to taxation. Between whom was the compact? Who represented the District of Columbia when that compact was made? Less than a dozen men, who beat at the doors of Congress until they succeeded in having the rate of taxation made lower for the rich man without lessening that for the poor man.

Mr. MURDOCK. The gentleman from Kentucky enumerated a few moments ago the property owned by the Federal Government. I wish he would clear my mind on this impression that I have had for many years—that the roads and streets belong to the Government, that the ground upon which the sidewalks are erected belong to the Government, and that the land between the sidewalk and the buildings, which are constructed on the building line, also belongs to the Government. I would like to ask the gentleman if I am correct in that impression?

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will indulge me one moment, I think I can read to him a decision of the Supreme Court of the United States on that subject.

Mr. MURDOCK. I want to know if the Federal Government owns the roads, the land upon which the sidewalks are constructed, and the intervening land between the sidewalk and the building line.

Mr. JOHNSON of Kentucky. I can not turn to that decision at this moment, but I will say that the Supreme Court of the United States has decided that the Federal Government has sovereignty only in the streets. Gov. Shepherd and others who have undertaken to show that the Federal Government owns one-half of the original city of Washington included all the streets, squares, parks, and alleys in that estimate, and in valuing it away back yonder in 1874 placed a valuation of 36 cents a square foot upon all streets in order to prove that idea. All

these business houses down town run their cellars or basements out to the curbstone, and that is on property not owned by them and for which they pay no rent. Take the banks and trust companies. Their vaults extend under the streets beyond their own property line, and the property does not belong to them, and yet they rent the vaults that are embraced therein.

Mr. MURDOCK. The gentleman understands that in other cities, where householders do occupy ground not belonging to them under a pavement, they pay rent for it.

Mr. JOHNSON of Kentucky. Yes.

Mr. MURDOCK. This Government pays for such rental outside of the customhouse in New York.

Mr. JOHNSON of Kentucky. Investigations of a subcommittee of the District of Columbia recently have developed that the vaults of the banks and trust companies here, for which they are receiving large revenue, are out under the streets, for which they pay neither to the District of Columbia nor to the Federal Government a single penny.

Mr. Chairman, getting back one moment to the parks, what a ludicrous idea it is to hear stated on this floor and to see paraded through the public press the great overwhelming necessity for opening a park between the old Soldiers' Home and Rock Creek Park! It is only a mile or two, and I imagine I can see the one-legged ex-Federal soldier going down for a few miles through the parks that are provided for his special enjoyment. That idea is absurd. If you are to spend millions of dollars there, that the old soldier may have the benefit of the parks, how long is that going to last for these one-armed and one-legged, full-crutched old men, none of whom can now expect to live more years than you have fingers on your hands. They talk about levying assessments for parks to be acquired under the bill now before us. You may authorize it to be done, but who is to do it? Congress may most solemnly direct that it shall be done, but will it at last be done? More than 20 years ago Congress appropriated $1,200,000 for the acquirement of Rock Creek Park. A commission was appointed to acquire Rock Creek Park. Perhaps the richest man in the District of Columbia a few days ago said before the District of Columbia Committee, when under oath, that he had gone to the President and had secured the appointment of that commission. That commission, when it came to acquire Rock Creek Park, looked up the assessed values of the various tracts of lands that it was to acquire. Then they doubled the amount of the assessed value, with a view of paying the property holders double the amount of the assessed value of their property; but when they had doubled it they found they had money left of the $1,200,000. Having money left they multiplied the assessed valuation by three, and still they had money left. Then they multiplied that assessed valuation by four, and still had money left. Then they multiplied it over and over again, until they paid the owners of that property 600 per cent more than it was assessed at. Those commissioners were charged by solemn act of Congress to assess benefits upon the surrounding property. All but one of that commission has passed to the great beyond, but that assessment of benefits upon the surrounding property to this day stands unmade.

Great sums of money have been spent to beautify that park and improve the value of the surrounding property. Congress has solemnly directed that benefits be assessed upon the surrounding property, but it has not been done in all these 20 years. That commission, or, rather, most of that commission, has died, only one lives, but the commission is not dead. That survives. When the commission last adjourned the record shows that it did not adjourn sine die. Consequently it is within the power of the President of the United States to appoint a commission to take the place of these dead men, that they may go back and assess these benefits.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Mississippi?

Mr. JOHNSON of Kentucky. I do.

Mr. SISSON. In speaking of the amount of property which has been condemned for the Government and amounts paid by the Government for this property, the gentleman stated it was six times the assessed value.

Mr. JOHNSON of Kentucky. Six hundred per cent.

Mr. SISSON. Six hundred per cent more than the assessed value. Is that an exception to the general rule when the Government buys property in the District?

Mr. JOHNSON of Kentucky. Mr. Chairman, in answer to that I will say that I do not wish to make a statement unless I can be accurate in it.

Mr. SISSON. I will simply state this to the gentleman: That in the condemnation of the property between the Capitol and the Union Station he will find that the property was assessed at $1 a square foot, and that it was condemned at $6 a square foot, so I simply want to know if six times the assessed value was the general rule when the Government wants to buy property.

Mr. JOHNSON of Kentucky. I hear it stated, Mr. Chairman, and nobody has disputed or disclaimed it, that the property that is now being condemned between the Capitol and the Union Station is being paid for many times more than it is worth and many times more than it has ever been assessed at until it was known that this property was to be acquired by the Government. I was talking about benefits not having been assessed on property adjacent to Rock Creek Park. There is a proposition pending now to sell that property to the United States. Sell it for what? With these benefits that should have been assessed against it? No; but they propose to sell it to the United States Government, improved as it is by the expenditure of a public fund, with the increased value added. We hear much about the McMillan Park scheme. Ten years ago that was conceived by the real-estate speculators of the District of Columbia. It calls for a chain of parks extending around the town. Over here we have a jail that cost nearly $1,000,000, that is said to be one of the best jails in the whole United States. That falls within the scope of the McMillan Park plan. In order to get away from that your penal institution has gone down to Occoquan, in the State of Virginia, and no man who has information upon the subject will deny the assertion that I now make that it is contemplated to tear down this million-dollar jail and let that ground go into the park system. Already they have planned for it, for a race track and other propositions like that. Mr. Chairman, one other thing. I was informed, Mr. Chairman, in advance of the final draft of this bill that the Committee on Appropriations, or rather the Subcommittee on Appropriations, desired to bring in the amendment which is now pending, introduced by the gentleman from Missouri [Mr. BORLAND], but they were apprehensive that the point of order would be raised against it.

I congratulate them for their good intentions in this matter, and the gentleman from Missouri [Mr. BORLAND] ought specially to be the subject of congratulation of the people of this land throughout its length and breadth for having brought this amendment in here and having managed it so well that it will come to a vote before this House. The question upon this amendment is this: Under the act of June 11, 1878, when it was contemplated that the Federal Government should pay one-half of the current expenses of the city of Washington Congress did agree to pay one-half of all the cost of the streets. But now that it is claimed, now that it is being put into effect, that Congress must pave one-half of all the streets in this 69¼ square miles comprising the District, that is another proposition. So this bill reduces that expenditure from one-half upon the part of the Federal Government to one-third, and this, I say, is a great step in the right direction.

It is a step that I know the people will approve from ocean to ocean, and I say again that the gentleman from Missouri [Mr. BORLAND] is to be congratulated for having gotten it before this House.

Let me call the attention of this House to one more proposition. But recently we saw the Washington papers exploiting the fact that over in Philadelphia there was a great meeting of people from all over the United States, and that there they adopted a resolution deploring the idea that anybody would contemplate doing away with the half-and-half plan, and expressing the hope that this half-and-half plan would continue. Who were those people? That was a gathering of the real-estate men of the United States. Who introduced that resolution? One of the most prominent real-estate dealers in the District of Columbia introduced it. Was that an uprising on the part of the people throughout the States from which these real-estate people came? Did the poor people or the people in the middle walks of life in the District of Columbia send that real-estate broker from Washington to the city of Philadelphia to introduce that resolution? I say, No. That resolution had its conception in the minds of the real-estate speculators in the District of Columbia.

Mr. Chairman, in conclusion I ask to insert in the RECORD the statement from which I have just read as a part of my remarks.

The CHAIRMAN (Mr. BARTLETT). The gentlemen from Kentucky [Mr. JOHNSON] asks unanimous consent to insert the paper to which he has referred in the RECORD. Is there objection?

There was no objection.

The statement is as follows.

Annual Federal aid to the District of Columbia.

[This tabulation and analysis sets forth the Federal aid extended toward the municipal expenses of the District of Columbia, distributed pro rata to population among the various States, for the fiscal year 1911–12. The numerous items which constitute the District budget have been reduced to 10 heads following the main lines of expenditure, and grouping under "Miscellaneous" the Federal apportionment, i. e., one-half of such items as "Militia, $80,650; contingent expenses, $101,030; emergency fund, $8,000; marking historical places, $500"; and numerous smaller items. "Schools" carry both salaries and maintenance and new buildings. "Improvements and repairs" carry such items as extensions of streets, paving, assessment and permit work, bridges, and construction other than school buildings. "Streets and sewers" carry street cleaning and all sewer work and maintaining. The groupings are necessarily arbitrary, but the main idea has been to convey a definite statement of the net charge against each State in the Union of the general subsidy paid by the Federal Government toward the purely local and municipal expenses of the District of Columbia.]

	States and Territories.	I. Schools.	II. Streets, sewers, water mains.	III. Police.	IV. Improvements and repairs.	V. Salaries and health.	VI. Interest, sinking fund.	VII. Lighting.	VIII. Fire department.	IX. Charities, corrections.	X. Miscellaneous.	Total.
1	Alabama	$37,171	$14,097	$11,859	$26,847	$9,657	$11,333	$5,405	$7,758	$16,224	$3,720	$144,571
2	Arizona	3,552	1,347	1,133	2,566	922	1,083	516	741	1,550	360	13,770
3	Arkansas	27,373	10,380	8,733	19,745	7,113	8,345	3,980	5,714	11,945	2,763	105,081
4	California	41,339	15,675	13,187	29,811	10,769	12,602	6,010	8,626	18,032	4,155	160,206
5	Colorado	13,878	5,267	4,431	10,032	3,608	4,235	2,029	2,899	6,055	1,407	53,841
6	Connecticut	19,380	7,350	6,182	14,000	5,035	5,907	2,818	4,044	8,454	1,946	75,116
7	Delaware	3,520	1,335	1,121	2,538	913	1,072	511	734	1,535	354	13,633
8	Florida	13,083	4,963	4,174	9,448	3,398	3,989	1,903	2,730	5,710	1,316	50,714
9	Georgia	45,360	17,203	14,472	32,762	11,778	13,830	6,595	9,466	19,790	4,558	175,810
10	Idaho	5,660	2,147	1,806	4,088	1,470	1,726	823	1,181	2,472	566	21,939
11	Illinois	98,028	37,076	31,277	70,775	25,470	29,887	14,254	20,455	42,807	9,916	379,945
12	Indiana	46,942	17,797	14,979	33,913	12,200	14,316	6,798	9,799	20,482	4,767	181,993
13	Iowa	38,666	14,667	12,340	27,935	10,047	11,792	5,624	8,071	16,884	3,886	149,912
14	Kansas	29,382	11,147	9,378	21,263	7,637	8,962	4,275	6,135	12,832	2,930	113,941
15	Kentucky	39,811	15,096	12,700	28,751	10,342	12,137	5,788	8,308	17,373	3,995	154,301
16	Louisiana	28,796	10,920	9,186	20,805	7,482	8,780	4,187	6,010	12,574	2,872	111,612
17	Maine	12,904	4,893	4,118	9,321	3,353	3,935	1,876	2,693	5,630	1,300	50,023
18	Maryland	22,520	8,539	7,185	16,263	5,850	6,866	3,274	4,700	9,811	2,276	87,284
19	Massachusetts	58,496	22,195	18,671	42,269	15,206	17,844	8,510	12,212	25,542	5,904	226,849
20	Michigan	48,855	18,517	15,588	35,285	12,693	14,894	7,105	10,195	21,327	4,897	189,356
21	Minnesota	36,081	13,685	11,513	26,059	9,374	11,002	5,246	7,530	15,745	3,632	139,867
22	Mississippi	31,243	11,847	9,968	22,556	8,116	9,525	4,543	6,520	13,631	3,140	121,089
23	Missouri	57,256	21,713	18,267	41,337	14,873	17,456	8,326	11,949	25,032	5,706	221,915
24	Montana	6,538	2,478	2,085	4,727	1,698	1,994	951	1,364	2,849	656	25,340
25	Nebraska	20,727	7,859	6,612	14,969	5,385	6,319	3,013	4,326	9,035	2,090	80,335
26	Nevada	1,423	539	454	1,027	369	433	207	297	621	147	5,517
27	New Hampshire	7,486	2,851	2,388	5,401	1,944	2,282	1,088	1,562	3,264	747	29,013
28	New Jersey	44,110	16,727	14,074	31,844	11,461	13,448	6,414	9,205	19,258	4,421	170,962
29	New Mexico	5,690	2,157	1,815	4,108	1,478	1,736	827	1,187	2,485	572	22,055
30	New York	157,957	60,374	50,554	114,333	41,100	48,423	23,311	33,066	69,383	15,977	614,103
31	North Carolina	38,357	14,546	12,239	27,713	9,965	11,694	5,577	8,005	16,750	3,850	148,666
32	North Dakota	10,027	3,804	3,200	7,242	2,607	3,058	1,459	2,093	4,375	1,019	38,884
33	Ohio	82,853	31,430	26,444	59,854	21,530	25,268	12,052	17,295	36,181	8,316	321,223
34	Oklahoma	28,815	10,925	9,190	20,806	7,485	8,785	4,189	6,012	12,581	2,876	111,664
35	Oregon	11,695	4,434	3,737	8,446	3,039	3,556	1,708	2,441	5,105	1,172	45,333
36	Pennsylvania	133,254	50,500	42,521	96,254	34,618	40,628	19,378	27,810	58,234	13,301	516,498
37	Rhode Island	9,433	3,576	3,009	6,812	2,451	2,876	1,371	1,968	4,114	952	36,562
38	South Carolina	26,345	9,991	8,405	19,027	6,845	8,032	3,831	5,498	11,504	2,629	102,107
39	South Dakota	10,150	3,852	3,238	7,332	2,638	3,095	1,476	2,118	4,424	1,021	39,344
40	Tennessee	37,982	14,403	12,118	27,433	9,868	11,581	5,523	7,926	16,570	3,814	147,218
41	Texas	67,743	25,730	21,615	48,926	17,599	20,654	9,851	14,136	29,623	6,684	262,561
42	Utah	6,491	2,460	2,071	4,688	1,686	1,979	944	1,364	2,828	647	25,158
43	Vermont	6,188	2,378	1,974	4,469	1,607	1,887	900	1,291	2,690	601	23,985
44	Virginia	35,841	13,592	11,435	25,958	9,300	10,928	5,212	7,480	15,641	3,531	138,918
45	Washington	19,868	7,529	6,335	14,339	5,157	6,043	2,887	4,143	8,661	1,989	76,951
46	West Virginia	21,206	8,050	6,773	15,333	5,515	6,473	3,086	4,480	9,265	2,101	82,282
47	Wisconsin	40,574	15,387	12,945	29,305	10,541	12,485	5,900	8,468	17,716	4,041	157,262
48	Wyoming	2,544	962	810	1,834	659	774	367	529	1,108	249	9,836
49	District of Columbia	5,762	2,182	1,835	4,157	1,495	1,755	836	1,201	2,514	571	22,308
	Total	1,598,355	606,472	510,144	1,154,592	415,346	487,704	232,497	333,735	698,216	160,340	6,197,403

Mr. LENROOT rose.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that all debate has been exhausted.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. The debate has wandered far afield from the real subject that is before this committee, and I want to discuss for a few moments the merits of the amendment. I do not know but that the committee needs to be refreshed in their recollection of what the amendment really is.

The amendment proposed by the gentleman from Missouri provides that in certain cases of paving streets there shall be assessed to the abutting property where the pavement is less than 32 feet in width one-half the cost of the improvement, and where the pavement is in excess of 32 feet a different rate.

Now, Mr. Chairman, I had supposed that the question of the justice of assessment of special benefits upon property adjoining an improvement was so clearly established that it would not be open to argument. I think the District of Columbia perhaps is the only place in the United States where the system of assessment of special benefits has not been adopted. But, Mr. Chairman, I do not know whether the gentleman from Missouri [Mr. BORLAND], in presenting his amendment, was aware that the system he now proposes in this amendment is now being rapidly discarded by every State in the Union. He proposes what is known as the "front-foot rule" method of assessing benefits, a method, Mr. Chairman, assuming that it is valid and constitutional, that is open to most serious objection. I shall discuss the legal phase of it in just a moment, but I want to call attention now, assuming its validity, to the situation that would exist if this amendment should be adopted.

We all know there are a great many triangles in the city of Washington, where private property in a triangle comes to an apex. With this amendment adopted—the front-foot rule method—one-half the cost assessed to the end of the triangle, will anyone say that it will not mean confiscation?

Mr. BORLAND. Are not the triangles which the gentleman has in mind in many cases owned by the Government?

Mr. LENROOT. But a great many are not.

Mr. BORLAND. There are some at the intersection of avenues, like New Hampshire Avenue, perhaps, and others, but property there is valuable and would not be confiscated.

Mr. LENROOT. Of course, the apex of a triangle comes to nothing. Now, does the gentleman think that the 1 foot at the apex of that triangle should stand the same cost for pavement of a street abutting it as other property?

Mr. BORLAND. I have no hesitation in answering that question. Light and accessibility are the great desirable features of property, and people buy those triangles at higher prices on account of not being restricted as to light and accessibility. They pay more for the triangle than they do for the inside piece of property, and it can more easily bear the cost of street improvement.

Mr. LENROOT. Of course at a triangle there are two streets, one on either side. Does the gentleman believe the apex of that triangle may be owned by one individual and a part of it by another, and does he think the apex of the triangle is benefited as much as the base of it is?

Mr. BORLAND. Unquestionably.

Mr. LENROOT. Then I do not care to argue with the gentleman if he thinks that is true.

Mr. BORLAND. The man who owns the base of the triangle can only get light from the two ends, but the man who owns the apex has light all around his premises. If it is business property it is worth for rental purposes two or three times as much, and if it be residence property it is worth a great deal.

Mr. LENROOT. But we are making assessments to property by reason of the improvement.

Mr. BORLAND. We have no right to impose special benefits for the improvement of a street and put some general benefits on it by reason of the location.

Mr. LENROOT. I want to call the gentleman's attention to the fact that all of those features have been brought out and decided in the Supreme Court of the United States, and these arguments have been raised in many cases.

The CHAIRMAN (Mr. RODDENBERY). The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the debate on this amendment be closed in 30 minutes, 5 minutes of which shall be given to the gentleman from Wisconsin [Mr. LENROOT], 5 minutes to the gentleman from Iowa [Mr. PROUTY], 5 minutes to the gentleman from Ohio [Mr. TAYLOR], 5 minutes to the gentleman from Indiana [Mr. CULLOP], and 5 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SISSON. I would like to say to the chairman of the subcommittee that I have taken no time during the entire discussion of this bill, and I would like to have 5 minutes.

Mr. BURLESON. Then I would add to that request that the gentleman from Mississippi [Mr. SISSON] have 5 minutes.

Mr. LENROOT. Reserving the right to object, Mr. Chairman, there has been an hour and a half discussion, but practically none on the merits of this amendment. I do desire 10 minutes, because I believe I have something of value upon this subject, and it is all upon the amendment.

Mr. TAYLOR of Ohio. I quite agree with the gentleman from Wisconsin [Mr. LENROOT]. There has been unlimited time given to several gentlemen who have discussed the amendment to some extent, and who spent most of their time discussing the general features of District legislation which met with their approval or disapproval. Now, this is a very radical and most important piece of legislation, coming on the floor, as it does, without having the approval or the consideration of any great committee of this House. The only opportunity to thrash it out and discuss it on its merits is to be afforded by giving a little time to gentlemen who may have ideas on the subject, and I ask that we give an hour for discussion, and that we give the gentleman from Wisconsin [Mr. LENROOT] 10 minutes, if he desires.

Mr. BURLESON. Very well, Mr. Chairman. I ask unanimous consent that the debate on this amendment be closed in 1 hour; that an hour be given to this discussion; and that out of that time there be given to the gentleman from Wisconsin [Mr. LENROOT] 10 minutes and to the other gentlemen I have named 5 minutes each, and that I be given 5 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that all debate close on this amendment and amendments thereto——

Mr. BURLESON. Yes——

The CHAIRMAN. In 1 hour, and that 10 minutes of the time be given to the gentleman from Wisconsin [Mr. LENROOT], 5 minutes to the gentleman from Indiana [Mr. CULLOP], 5 minutes to the gentleman from Tennessee [Mr. SIMS], 5 minutes to the gentleman from Mississippi [Mr. SISSON], 5 minutes to the gentleman from Iowa [Mr. PROUTY], and 5 minutes to the gentleman from Texas [Mr. BURLESON].

Mr. TAYLOR of Ohio. Well, Mr. Chairman, I also desire time. I might want 10 minutes. Inasmuch as there will be plenty of time in that hour, I shall want 10 minutes, although I may not use it all.

The CHAIRMAN. And 10 minutes to the gentleman from Ohio [Mr. TAYLOR], the remainder of the time to be controlled on recognition.

Mr. SISSON. Mr. Chairman, one moment. I do not know that I shall consume more than 5 minutes, but there is one phase of the question that I would like to discuss, and I want to have an understanding with the gentleman from Texas [Mr. BURLESON] that if I shall need 10 minutes I shall have such time. I may not want it all, for I shall try to get through in 5 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The remainder of the time to be allotted on recognition by the Chair, the right to obtain extension of time by unanimous consent, of course, prevailing under the rule. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 10 minutes.

Mr. LOBECK. In regard to the matter of apexes, is it not a fact that most of the apexes are in the old part of Washington, and that there are practically none of that character of streets that are now being improved?

Mr. LENROOT. I live away out on Mount Pleasant, and I will say to the gentleman that there are some there.

Mr. LOBECK. I was just looking at the map.

Mr. LENROOT. I want to call attention to another inequality in this amendment. Take, for example, two corners. Upon one corner the owner owns 20 feet in depth. Across the street from him another owner owns 100 feet in depth, and yet under this amendment the assessment will be the same upon the man who owns 20 feet as upon the man that owns 100 feet. No one would say for a moment that those two owners of property were being equally benefited.

Now, Mr. Chairman, with reference to the principle upon which this assessment of special benefits rests, I can do no better than to quote the language of the Supreme Court of the United States in the case of Norwood against Baker, in United States Reports 172, page 269, which only reiterates the well-established rule laid down by all the courts. They say in the syllabus:

> The principle underlying special assessments upon private property to meet the cost of public improvements is that the property upon which they are imposed is peculiarly benefited, and therefore that the owners do not in fact pay anything in excess of what they receive by reason of such improvement.

That is the principle, Mr. Chairman, and unless the property owner does receive that special benefit we have no right to impose the cost upon him. We have no right to impose upon him one penny in excess of the special benefit that he receives.

Now the gentleman from Missouri [Mr. BORLAND] made the statement that the front-foot rule method had been indorsed by all the courts and was adopted by all the States. I will say, Mr. Chairman, that 30 years ago that was true. All the States of the Union at that time practically upheld that doctrine, but they are now rapidly getting away from it. Remember, that when we pass an amendment in this form Congress itself arbitrarily determines what assessment shall be paid by property owners in Washington. Such provisions have been sustained, but solely upon the ground that the legislative body itself determined the benefit equaled the cost, but that is purely a legal fiction. The gentleman from Missouri will not claim that Congress is to-day determining that all property that is improved is benefited, regardless of its situation, regardless of its amount, to the extent of one-half of the cost of the improvement. This opinion in Norwood against Baker goes on to say:

> But the power of the legislature in these matters is not unlimited. There is a point beyond which the legislative department, even when exerting the power of taxation, may not go consistently with the citizen's right of property. As already indicated, the principle underlying special assessments to meet the cost of public improvements is that the property upon which they are imposed is peculiarly benefited, and therefore the owners do not, in fact, pay anything in excess of what they receive by reason of such improvement. But the guaranties for the protection of private property would be seriously impaired if it were established as a rule of constitutional law that the imposition by the legislature upon particular private property of the entire cost of a public improvement, irrespective of any peculiar benefits accruing to the owner from such improvement, could not be questioned by him in the courts of the country. It is one thing for the legislature to prescribe it as a general rule that property abutting on a street opened by the public shall be deemed to have been specially benefited by such improvement, and therefore should specially contribute to the cost incurred by the public. It is quite a different thing to lay it down as an absolute rule that such property, whether it is in fact benefited or not by the opening of the street, may be assessed by the front foot for a fixed sum representing the whole cost of the improvement.

Since that decision, Mr. Chairman, in a footnote to Elliott on Roads and Streets, I find that a number of States, following the reasoning in Norwood against Baker, have held the front-foot rule absolutely invalid. Among them are two Texas cases, in Ninety-fourth Federal and Ninety-first Federal Reporter, and an Arkansas case. Elliott, in this work, says:

> Since the recent decision of the Supreme Court of the United States in the Norwood *v.* Baker case, there is a reaction in this direction—

That is, against upholding the validity of statutes arbitrarily imposing assessments on the front-foot rule.

Now, Mr. Chairman, I am heartily in accord with what the gentleman from Missouri [Mr. BORLAND] desires to do, and if it were possible, on the spur of the moment, to frame an amendment to his amendment providing that the property owner should have a right to come before the commission and show

that he was not specially benefited by the improvement to the extent that it is proposed to assess him, and that would give the commission the right in that case to exempt him from the assessment, or only assess him such sum as he was specially benefited, then I should heartily favor the amendment; but I am not in favor of this proposition, which is a step backward, and which all the other States of the Union that are legislating upon this subject are now discarding.

Mr. TOWNER. Is it not true that what you contend for under the decisions as they now exist would really be the case; that is, that the party would have the right to make this showing in his behalf under the terms of this law now?

Mr. LENROOT. Absolutely not; because while reference is made to the statute of 1894, which does provide for a notice of the proposed assessment, and the right of the property owner to make objections, that notice is not provided for at all in the amendment of the gentleman from Missouri [Mr. BORLAND].

Mr. TOWNER. The notice is comparatively an unimportant matter. The question is as to his integral right, the right that he would have to be heard as to whether or not such taxation could legally be placed against him.

Mr. LENROOT. I will say to the gentleman that the decisions are uniform, that if the property owner has the right to be heard, he has a constitutional right to be given notice of the hearing, and if the statute does not provide for notice, the statute itself is invalid.

Mr. TOWNER. I agree to that.

Mr. LENROOT. Now, Mr. Chairman, as I have said, I should be glad if an amendment could be offered; but realizing that it is a technical subject, I have not had the time to venture to prepare such an amendment, because it must provide for notice, and must provide for power upon the part of the commission to determine the matter of benefits.

I wish very much that this matter might go over until Monday, so that this situation could be cleared up. I think when the gentleman from Missouri comes to consider the matter carefully and consider the decisions on the subject he will agree with me that there should be an amendment along the lines I have suggested.

Mr. TOWNER. Mr. Chairman, the legal propositions involved in this matter have been ably presented to the committee. I think the gentleman from Wisconsin exaggerates, perhaps, the necessity for the particular act which grants the power to make the assessment also include the notice as a part of that act.

However, I should have no objection whatever to that amendment being made to this act. I desire to call attention to a few of the objections that are made to this proposition. In the first place it is suggested that this legislation ought not now, during the closing days of the session, be brought to the consideration of Congress—that there is not time enough to consider it. I presume that objection might always be made, but let me suggest to gentlemen that this method of taxation, that this proposition of placing the burden for paving the streets and properly surfacing them on the adjoining property owners, is the almost universal rule in this country. This proposition is only for the purpose of bringing this city in uniformity with other municipalities in this country. It is not a new proposition. It is a proposition that has been before every court in the United States. There has been a great diversity of laws on this proposition, and the principle has been definitely settled that where there are any benefits that may be shown to accrue to the adjoining property owner by reason of the improvement, the right of taxation by this method exists; and further, that they will not go into a close and careful computation as to the amount of the benefit when it comes to determining whether the right of taxation exists.

It has been further suggested, Mr. Chairman, in opposition to this legislation, that it will be a burden upon the poor man and not upon the rich, who have already received that benefit. Let me suggest to gentlemen that this objection may be urged at any time in the future, and if it were a valid objection it might always be urged and therefore prevent any legislation whatever being had. It is time, I think, and I am sure the country will conclude, that the taxation of the city of Washington should be placed upon a fair and equitable basis. It is time that the changes that ought fairly to be made should be made. It is time that we should make the property of the city bear a fair burden of the taxation of the city. It is not necessary for us to offer special inducements to those who come here for the purpose of escaping taxation, and therefore I believe that we should now adopt a system of taxation which is fair and just and is uniform with that of the whole country. We should begin to-day to do that which it is our duty to do, to see that the property in this city bears at least a fair proportion of the taxation for its public improvements. [Applause.]

Mr. CANNON. Mr. Chairman, I made a statement from recollection a little while ago, and, after all, when one who has had long service in the House depends on his recollection it is not always easy to get things accurate, but, in substance, I did get what I said accurate. The gentleman from Kentucky, no doubt in the best of faith, attacked the legislation of 1902. His attack was not, in my judgment, well founded.

Let us see what the conditions were in 1902. By decisions of the courts, by the practice in 1902 before the act was amended, while the half-and-half act provided for the taxation of personal property, it was practically a dead letter. Prior to 1902 personal property paid, in round numbers, $147,000. The law was amended in 1903, and then it yielded $372,000. In 1904, $632,000; in 1905, $662,000; 1906, $699,000; and in 1912, $1,100,000. Assessors were removable by the District Commissioners if they did not perform their functions, but while the dollar and a half law was on the statute books the assessments ran all awry.

In 1902, under the law prior to the amendment that was passed upon the appropriation bill, the taxes received were $2,858,000. The very first year, the law being enacted in June, real estate yielded in 1903, $3,250,000; in 1904, $3,259,000; in 1905, $3,315,000; in 1906, $3,575,000; in 1912, $4,883,000. That is the same law which my friend from Kentucky [Mr. JOHNSON] complains has changed the law of 1877. There is the plain tale.

Why was this done? It did not belong to the Committee on Appropriations, but the Committee on Appropriations was asked to recommend further advances to the District. The District was falling behind. The year before this act was enacted in 1902 the District of Columbia owed a floating debt of more than $1,000,000, with additional obligations in sight under legislation in process of enactment on reports from the District Committee which increased that floating debt in 1903 to more than three millions and a half. That was what they asked. The House struck it out, and struck out the enacting clause, and yet the floating debt was to increase. Under spur of the necessity of the situation the Committee on Appropriations reported on the District of Columbia appropriation bill that year a provision which required a reduction of the appropriations carried for salaries in the District of Columbia appropriation bill by 10 per cent, unless there should be enacted during that year a personal-tax law. The provision went through the House of Representatives on the District appropriation bill for the fiscal year 1903—and an amendment providing for a reformation in making assessments. The Senate struck it out and substituted therefor a general real estate and personal tax law, which was finally agreed upon in conference and, being agreed to by the two Houses, now constitutes the law.

[The time of Mr. CANNON having expired, by unanimous consent, on the request of Mr. JOHNSON of Kentucky, his time was extended for 10 minutes, not to be included within the time already arranged for by the committee.]

There was an act that provided for a personal tax, which by practice, backed up by decisions that I have not now time to discuss, cut the personal tax down to almost nothing. The machinery did not operate. That was the condition. We put on an amendment for a reduction of 10 per cent on the salaries, knowing that if anything would move the personnel of the District it would be a reduction of salaries, to take effect and to remain in effect unless a provision were enacted into law providing for a personal tax, or the collection of a personal tax. We put that provision on under a special rule. The Senate struck out both provisions. It went to conference, and we obtained the legislation I refer to. I just want to read a few words from some broken remarks I made on that conference report on June 28, 1902:

> The Committee on Appropriations under the organic law was confronted with this condition and with these estimates. It commenced the preparation of its bill in December, expecting to report it before the holidays, but with this condition it deferred consideration. It waited through December, January, February, and March for legislation. Through the public prints and by announcement inspired from another body, and from the committee that had legislative jurisdiction in another body, we were led to infer that the proper committees would give legislation for an increase of taxation. We waited and waited and waited in vain, until finally, when it was patent that the Congress was to close without any effort for legislation, the Committee on Appropriations reported this bill. It contained a provision cutting down 10 per cent all the salaries of employees in the District, and by special rule we put on a provision providing the machinery to enforce the law of 1877, so that we could get tax revenues from personal property.

The Senate struck out both provisions, and it went to conference. We obtained a compromise bill, which for the first time placed a tax of 4 per cent upon the gross receipts of the banks, street railway companies, and building associations. We

doubled the excise tax for retail, and so forth. That is the law to-day—not as much as it ought to be. I still think that sufficient tax is not laid upon personalty, and perhaps not upon the banks and street railway companies, but I shall not take time now to refer to that matter.

There is the whole story. What has happened in the meantime? Under that law, with the rapidly increasing appropriations for the District of Columbia, we have paid almost $2,800,000 of that floating debt, and it would not have been paid, but would have been constantly increasing, if that law had not been enacted. This bill succeeded in wiping that out, and, in addition to that, we paid the District's part for the construction of the Municipal Building.

We have extended our sewer system at great cost. We have had to do with our water improvements at a large expense and many other exceedingly great expenses; $3,800,000 went out for the filtration plant. Now listen:

In the judgment of your committee, the conferees on the part of the House, the Senate bill did not raise enough money. We needed more, and after a long conference we got something of a concession, the best we could do.

And then I speculated about what would be raised, and much more was raised under that taxation than I anticipated. I submitted some more remarks and said that this was not a labor of love, which I have not time to read. It was a condition that was forced upon the Committee on Appropriations, over which I had the honor at that time to preside—a unanimous committee—and forced upon the House, not under the general rules of the House, but by a special order bringing this whole matter before the House and sending to the Senate a provision that moved the Senate to act, and it did act, and I said here that I had no pride in this legislation; I was not an expert about the matter. We amended the law. We put the assessment board to be appointed by the President for a term of three years, and provided they should not be removed except for cause, and that the court should pass upon that cause. Why? Because the poor assessor has about as much chance, with all the influences, social—I will not say corrupt—and otherwise, about as much chance, unless he has protection, as a cat in hell without claws. [Laughter and applause.]

Now, I have told you merely this passing history; I have hastily revived my recollection. I have said all I desire to say; I will not again refer to my remarks touching taxation by the linear foot for street improvements; I have already spoken of that.

Mr. JOHNSON of Kentucky. May I ask the gentleman one question?

Mr. CANNON. Certainly.

Mr. JOHNSON of Kentucky. I wish to ask the gentleman to restate the reason for giving the assessors a practical life tenure of office?

Mr. CANNON. The reason was this, that with all the social influences and with all the power arising from every standpoint that citizens of the District had to affect the District Commissioners, with a press that was in harmony and very properly in harmony because here the press lives, the assessor who was seeking to do his duty and keep his oath, his tenure of office was liable to be very, very short, and therefore we put in that provision in extremis, and I think, upon the whole, it has acted very well.

Mr. JOHNSON of Kentucky. Well, I am glad to have the explanation from the gentleman as to why the assessors were given this practical life tenure. It has been suspected by myself, I will say, and believed by many, that another provision in this same bill creates the assessors as an excise board, and, as I have just said, a great many people believe they were given practically life tenure of office, because the powers of an excise board were conferred upon them, and suitable men, when once gotten in for that purpose, might be held indefinitely.

Mr. CANNON. Well, it was for the protection of the assessors. It was to provide, starting in with proper and honest assessors, that they could not be discharged except for cause.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, I want to congratulate the gentleman from Illinois [Mr. CANNON] upon the enactment of that legislation under the circumstances which the record shows it was then enacted, and I want to say also that in serving on the Committee on Appropriations with the gentleman from Illinois that he is faithful, cautious, and always strong, and is one of the most careful legislators on the Committee on Appropriations, and on the subject of appropriations he is absolutely sound. So I want to congratulate him, and it is not amiss to say he has rendered many services of like kind and character to the people of the United States. I differ with him, however, in reference to the position he takes on the amendment before the committee. Under the amendment proposed by the gentleman from Missouri [Mr. BORLAND] the property owner would pay one-fourth of the street expenses; that is, the property owner on one side would pay one-fourth and the property owner on the other side would pay one-fourth and the Federal Government, under the half-and-half system would pay one-fourth and the District taxes would bear the burden of one-fourth. I believe that the evidence that it is not unfair to the property owners of the District of Columbia is because so many of the great cities require the property owners to pay all of the street pavement in front of their property, and I presume that those people in the cities who have a direct vote upon the municipal officers and do vote for the municipal officers secure in the main practically the government which they think best. We ought to be peculiarly careful, as Members of Congress, in enacting legislation for this District, because they do not have representation here.

No property owner should be done an injustice, but I believe that under the present system of taxation that the small property owner could not in any sense of the word be injured. But under the system which prevails it inures absolutely to the benefit of the real estate man who is improving property for sale. For example, you take a large quantity of land which is farm land now, and a company is organized for the purpose of developing the property; if they have sufficient influence to have streets built, it costs them absolutely nothing, for the United States now owns the water system; and when they plat the land the water is placed under each lot without expense to the property, and the street is built without expense to the property. Land thus bought by the acre is sold by the square foot. The real estate speculator in the District charges the property with all these improvements which have cost him nothing, and in addition thereto enjoys the unearned increment. Under the present iniquitous system he enjoys all this without expense to himself and without paying one cent for a house. The land has been made valuable for homes out of Government money, and these real estate men get the entire benefit—not the poor home seeker or Government clerk or Government employee. They then charge the property with all the money that has been expended by the Federal Government, and farm land is sold after these improvements are made wholly out of the Federal Treasury and the District treasury, and the real estate speculator gets the entire benefit; and he charges up to the small home owner who desires to buy a lot the entire expenditure in the nature of improvements. In addition to that, the natural increase and the rise in values, by virtue of opening it up to settlement and building the streets, is also charged to the small property owner. He has to pay for them under this present system, whereas if the system were changed the property owner opening up property would be compelled himself to pay one-half of the street improvement. The result would be that the unimproved real estate would be developed less rapidly and the small home owner would have infinitely more opportunity to buy the unimproved real estate and suffer the inconveniences a while, and then, when the street is opened up and enough settlement is there to justify municipal improvements going to that neighborhood, the poor property owner and the poor home owner would get the benefit of the unearned increment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, there was an understanding that if I should not complete my remarks within the time, I should have five minutes more.

The CHAIRMAN. The Chair will state that by special order 50 minutes of time was disposed of, leaving 10 minutes undisposed of. Gentlemen have been recognized in order, and have consumed that 10 minutes. There now remains no time in which extensions can be had. Does the gentleman ask unanimous consent?

Mr. SISSON. I will state, Mr. Chairman, that I had an understanding with the chairman of the subcommittee.

Mr. TAYLOR of Ohio. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes, not to be taken out of the time under the order.

The CHAIRMAN. The gentleman from Ohio [Mr. TAYLOR] asks unanimous consent that the time of the gentleman from Mississippi [Mr. SISSON] be extended for five minutes, not to be taken out of the time under the order already made by the committee. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, now this debate has taken quite a wide range. Nothing has been said about the amount of property owned by the Government in the District of Columbia. I do not know what percentage of area the Government owns, but it has been intimated here that by virtue of the ownership of the streets by the Federal Government, the Federal Government should pay the taxes on the ground covered by

the streets. I do not know of a municipality, a town, or a village in the world where there has ever been a tax placed upon the property owned by the city, and because the title to the street happens to be in the Federal Government I do not think that it will be seriously argued here the Government should pay taxes on the streets. It has also been argued that because the Government owned so much property here and so much area here that for that reason the Federal Government should pay a part of the municipal taxes. I do not believe that argument is tenable, because the presence of the Federal Government in this city is what gives the value to all real estate and makes it possible for this to be a city, and the people living in the District of Columbia, doing business here, educating their children here, get a hundredfold more benefit from the Federal Government than do those people who do not happen to be so fortunate as to live within the District. So I do not believe that that argument is tenable, because in no State does the State pay taxes in the capital of the State on property owned by the State. It has been suggested that this Capital be removed nearer the center of population. If St. Louis would duplicate the buildings and duplicate the property we have here I would favor moving the Capital to that city, being, as it is, in the center of the United States. It could well afford to duplicate those buildings and have the Capital City moved there, and there would be no contention whatever that the Federal Government would be a curse to that city. I am getting tired of the continuous complaint coming from the citizens of the District of Columbia and coming from the real estate people of the District that Congress is penurious in dealing with District matters. We are by far more liberal than we ought to be.

Mr. JOHNSON of Kentucky. California gave $17,000,000 to get an exposition located there for only a little while.

Mr. SISSON. The gentleman from Kentucky [Mr. JOHNSON] has stated to me that the State of California gave $17,000,000 for an exposition to be located there but for a short time. I do not blame the people of the District of Columbia so much. I presume if other people would live here as they do, they would soon become educated as are the people of the District of Columbia. I am criticizing the system which Congress is maintaining in this District. If you would change it, you would hear a different cry. Cut out the half-and-half system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I am heartily in accord with the purpose of this amendment. And yet the amendment may not do equal justice to all the citizens. But it is hardly possible to pass any law that will do equal and exact justice to all. This amendment, however, is predicated upon a principle that is practically right and one that a great many of the States of the Union have adopted and are carrying out successfully.

Some objection has been made that in some of the States of the Union legislation of this kind has been stricken down by the courts. That would not be the case here. In such States, where decisions of that kind have been rendered, it will be found, doubtless, by an examination of them, that the legislation came in conflict with some provision of the constitutions of those States, and for that reason the law in those States was held to be invalid.

Now, if the citizen is to pay for the improvements of the street, as provided for in this amendment, he will take an interest in the making of the improvements; he will see that the proceeds derived from the taxation of his property are economically and wisely expended and that the improvements are well made.

Objection has been made also that some of the property may be taxed unjustly on account of this provision; that a valuable piece of property will have to bear its proportion and that a piece of property not so valuable will have to bear its proportion. Mr. Chairman, adjoining properties will bear the same burden fairly distributed under this amendment, and, consequently, will receive the same proportion of benefits from it. Therefore it will work fairly as to the two kinds of property, and the owners will not suffer any injustice from the adoption of such an amendment as this.

Now, I think that every Member in this House is desirous of improving the city of Washington, but it is unfair that the owners of property in the city of Washington shall receive an increase of value in their property by the payment of taxes collected from people all over the Union. As the law now stands, the property owner of California is taxed for the purpose of improving the property—increasing the value of the property owned by a citizen of the city of Washington; and while that far-distant citizen has a pride in the city of Washington, still he ought not to be taxed in the same proportion as the owner of property in Washington is taxed for the purpose of improving the value of property here in the city of Washington. Such a course is manifestly unfair.

Now, in the improvement of streets it will bring about a better system of improvements. It will not improve the streets out in the parts of the District of Columbia where there are no residents and no public requirement for such improvement, but it will curtail that improvement and improve the streets only in such localities where the property is built up and the population dense. Upon the plan now employed it is unfair to the property owner in one locality that he be taxed, as he is now taxed, for the purpose of building up the improvements out in another locality far distant from him. Under the method proposed by this amendment the property owners adjoining the street pay one-half of the improvement, the Government one-fourth, and the District of Columbia one-fourth; and I take it that the amendment will work fairly to all the country if it is adopted, as I hope it will be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS and Mr. TAYLOR of Ohio rose.

Mr. SIMS. Mr. Chairman, I will yield in favor of the gentleman from Ohio [Mr. TAYLOR], who is a member of the committee.

The CHAIRMAN. The gentleman from Ohio [Mr. TAYLOR] is recognized.

Mr. TAYLOR of Ohio. Mr. Chairman, I am not in favor of this amendment, not because I am not in favor of an equitable distribution of the cost of improvements among the citizens who enjoy those improvements, but for the reason that I am opposed to vital legislation being catapulted on the floor of the House without any consideration at the hands of any of the great committees that may have jurisdiction over it and then passed or rejected merely on statements made and theories propounded by gentlemen who are practically relying upon their personal opinions fortified by mere guesswork.

I am glad to have heard the argument of the gentleman from Wisconsin [Mr. LENROOT]. I am familiar with the case of Norwood against Baker. I know a good deal about the front-foot rule. I live in Ohio, and in my home city we pay for our improvements under that rule. That city is laid out in squares and not laid out in angles, as is Washington There is not a city in the Union of which I have any knowledge where the front-foot rule would work such gross inequalities and injustices as it would in the city of Washington.

Now, that is one thing that a committee, and a very able committee, should consider before we write into the statute books a radical change from our present system of taxation. Why, Mr. Chairman, when the present law providing for the half-and-half system and the $1.50 rate of taxation was enacted it became a law only after a great committee, a joint committee of the House and Senate, composed of very able members, had spent months of investigation and had filed a very elaborate and complete report upon which the legislation was based.

Although my service in Congress will soon be over, I stand ready to-day to vote for anything along the lines of just and equitable taxation and vote to see that the citizens pay their just proportion of the benefits peculiar to them as individuals. I am not opposing that, but I am opposing this method of trying to enact legislation without proper and intelligent consideration.

Here is another inequality. The city is full of these triangles which the gentleman from Wisconsin [Mr. LENROOT] mentioned. Some gentleman stated in his argument that they were in the old portion of the city. If a man knows anything about the new portions of the city, I guarantee he will find more jogs and triangles by far in the new portions of the city than in the older parts of the city.

I happen to have a map here that was furnished to our committee while we were considering street improvements. We are asked now under this amendment to compel those who desire streets in front of their property, if this amendment becomes a law, to pay a proportion of that cost. Now, what effect is that going to have? They are not only going to pay one-fourth or one-half, but as repairs are not covered in this amendment, they must still go on and pay their regular $1.50 rate of taxation toward repairs and maintenance of streets already laid down in front of their properties.

Here is a map of the District of Columbia. All that part marked in brown has completed improved streets. The very heart and core of the great District of Columbia is to-day improved permanently with asphalt streets. Those streets, with the repairs put on them out of the general revenues, are good for not less than 20 years, and we now propose to make the people who are beginning to live out in the part of the District shown in white on this map, the poor clerks and small householders, proceed immediately to pay for their street improve-

ments, while for 20 years the millions of dollars of real property in the heart of Washington will not have to pay one cent toward the upkeep of those streets. We relieve entirely, except for repairs, those gentlemen who own the great central part of the city until their streets are worn out.

Let us look this amendment squarely in the face. Let us send it to a great committee. The chairman of the District Committee is here to-day. Many of its members have been on the floor throughout the discussion of this bill. Let them come in, after a careful consideration of this great subject, and present a just and equitable bill, and if I am in Congress it will receive my support. But I will not vote for one separate amendment which on its face lacks equity and shows that the great mass of the people will not be affected by it for many years to come, while those who can least afford to bear it will begin to pay immediately.

Mr. SISSON. Will the gentleman permit one interruption?

Mr. TAYLOR of Ohio. Certainly.

Mr. SISSON. The gentleman from Kentucky stated that you could now assess the benefits that have accrued to the property owners by virtue of street improvements. Do you believe that could be done now?

Mr. TAYLOR of Ohio. Do you mean that you could assess back the benefits on the finished work?

Mr. SISSON. That is what I am asking.

Mr. TAYLOR of Ohio. I do not think you could.

Mr. SISSON. I just wanted to ask about that.

Mr. TAYLOR of Ohio. This amendment does not provide for it.

Mr. SISSON. I am speaking of the present law.

Mr. TAYLOR of Ohio. I am giving my off-hand judgment, which, as a rule, is not very good when things like this are sprung suddenly, that you could not do it.

Mr. SISSON. My reason for asking the question was that if that could be done, then if the law was enforced you could assess these benefits against these recently improved streets.

Mr. TAYLOR of Ohio. If that could be done there would be some equity in it, but it is not proposed to be done in this amendment, and a proposition to amend the amendment would simply result in a hodgepodge.

Mr. SISSON. If the difficulty lies in a failure to enforce the existing law, then the thing to do is to enforce it.

Mr. TAYLOR of Ohio. We are enforcing the present law, as far as I am able to find out.

Now, I want to speak of one thing that everybody seems to be worried about. That is, that the people of the country are paying something, or, as the gentleman from Kentucky [Mr. JOHNSON] says, are paying a subsidy to the citizens of the District of Columbia. I live in the State of Ohio, which, according to the figures presented by the chairman of the District Committee [Mr. JOHNSON of Kentucky], pays about the third largest amount.

New York, Pennsylvania, possibly Illinois and Ohio are the ones paying the largest amounts according to his population figures, which are absolutely worthless, because we collect no per capita taxes. If you—living outside this District—do not want to pay anything toward the support of the District of Columbia or the support of the Federal Government, do not smoke, drink, chew, or import anything, and you are out of it.

I never have heard a citizen of my district but what was proud to a great degree of the city of Washington, which they consider to be the city of the whole people of the United States, and they want what little money the Government sees fit to spend upon it expended in such a way as to make it the greatest capital of any nation in the world. I do not believe one Member of this House has ever had a complaint or a petition from his constituents asking that they be relieved from any burden caused by the Government participation in the expenses of the District of Columbia. I have had hundreds, possibly thousands, of visitors from my home city and county, and every one of them left here proud of what they saw had been accomplished, and willing to see greater things done toward the beautification and upbuilding of the greatest capital of the greatest nation in the world.

I am against this amendment, but I am not against just and equitable taxation for improvements peculiarly beneficial to individuals in this District or any other place. [Applause.]

Mr. SIMS. Mr. Chairman, it is an admitted fact that no intangible personal property in the District of Columbia is taxed, and that there is a thousand dollars exemption on tangible personal property. Stocks, bonds, mortgages, money, it makes no difference how many millions in value, pay absolutely no tax in this District whatever.

Now, if there was a corresponding burden upon the property that is taxed equivalent to that failure to tax intangible property that is lost to the District by not being taxed, we could excuse such a thing. But here in the District of Columbia real estate, the only thing that is taxed except tangible personal property, is permitted by law to be taxed at two-thirds of its value. It is utterly impossible for an assessor, as the gentleman from Illinois [Mr. CANNON] said, to stand against the pressure brought to bear on him and assess it for more than that. Therefore, taxes on the only species of property, real estate, that is taxed at all is $1 a hundred, or $10 a thousand, in the finest improved city in the United States.

Take my own State and district; the largest town in my district does not exceed 20,000 inhabitants, and the tax upon practically the same assessed value is $3.45 a hundred dollars. I do not mean the city tax, but all taxes combined. Why should a man, because he lives in the finest city in the United States, yea, the finest city in the world, be further compensated by reducing his taxes? Just as long as the half-and-half plan exists we will have this anomalous condition on us. That is the fundamental error of the whole thing. It may have been wise to do it when it was done, but we will have these people continuously knocking at the door of Congress for increased appropriations for the District of Columbia while the percentage burden of taxation is being reduced.

I say that the man who lives in the District of Columbia and owns his home ought to pay more taxes than in any other place on earth, because he is getting more for his money than anywhere else. But the purpose that seems to lie behind the people of the District of Columbia is to get rid of paying for city benefits, which they get in a greater volume than the people in any other city on the face of the earth. The only way to do justice is to levy a just, reasonable, and fair tax upon the people of the District of Columbia, both upon the real, tangible, and intangible personal property, regardless of the appropriations made; make it uniform and let them pay it into the Treasury of the United States, and then let Congress make the appropriations with reference to the city's needs, and then what these fair and just taxes do not pay, pay the balance out of the United States Treasury. Then you will stop this eternal knocking at the doors of Congress and this nagging at us to buy this frog pond and that gulch and other useless forms of real estate because the District can pay its part without increasing its burden and because the volume of values must and always will increase.

There is no reason why this Capital should be a great and populous city. What benefit is Chevy Chase to the National Government as a seat of government? What benefit is it to Members of Congress to have a clubhouse away out in the woods while our people pay for part of it? It is absurd, it is wrong, it is illogical, and it is robbery of our constituents. The people here ought to bear these expenses because they get the exclusive benefits of same.

There is a necessity for this amendment so that these great avenues and extensive projects may be kept up, at least in part, by the people of the District of Columbia. The morality usually voiced by the people here has been a dollar-and-cent morality, an exchange of their rights as citizens for a mess of pottage in reduced taxation called the organic act. It is organic folly, and we will never get rid of these troubles until we wipe that statute off the books and let everybody pay their taxes according to what they own, and let the Government pay the balance of whatever appropriations may be made regardless of ratio. [Applause.]

Mr. PROUTY. Mr. Chairman, I have been a member of the Committee on the District of Columbia for nearly two years, and I appear on this occasion as a kind of amicus curiæ for that committee. Ever since I have been on that committee somebody has appeared asking for an extension of some road, an improvement of some highway, and I have felt that if these fellows that were appearing there had to pay the expenses of the improvements they would not besiege the committee so persistently as they do, and therefore as a friend of that committee I am in favor of the principle, at least, of this measure.

While I have the floor, however, I wish to make a few general remarks upon this subject. I have for the last 30 days been listening to experts in this city upon the question of real-estate values, and if there is any one thing that has been established beyond all doubt and all controversy it is that real estate in the city of Washington is springing and leaping in values as it is nowhere else in the United States. We had one little piece of property down here upon which was centered the thought of this committee, which had sprung in value from $18 a square foot to $50 a square foot in a little over three years. This naturally led me to inquire the cause of this remarkable increase in the value of real estate in the city of Washington. Everybody who is familiar with real estate values knows that

the question of taxation is an important factor. It always figures in the value. This led me to a general inquiry, and I addressed letters to the mayor of every large city of the United States inquiring as to the assessment of the property in other cities, and without going into detail I might say this, that while the assessment on real estate property in the city of Washington is 10 mills, the average of cities of this size and class in the United States is 22 mills. In other words, real estate assessments in the United States is more than twice what it is in the city of Washington.

Take, for instance, my own city. We pay 22 mills on every dollar of real value of real estate in our city. In addition to that, every man has to pay for special improvements that are put in front of his property. In Washington that is all absorbed by the General Government and by general taxation. That is not fair. There has been a good deal of talk here about the fact that in the District of Columbia there is a large amount of property belonging to the Federal Government. I undertake to say that the ownership of that property does not throw a single burden upon the property of the individual owner in the District of Columbia. [Applause.]

Another thing has been called to my attention in making this investigation, and that is this—that the people of the city of Washington, per capita, are the wealthiest people in the United States. The average wealth of the citizens of Washington is $2,300, and in the next highest city it is $1,800. That shows that the people of Washington are at least able to bear their share in carrying on the burdens of their purely local government. I have given a good deal of thought and attention to this whole matter during the last month. I have looked at it from almost every angle, but I can see no reason in the world why the citizens of Washington should not maintain and control and pay the bills for their own local government, just like any other city does. I have addressed letters to the capitals of all of the principal countries of the world, and so far as I can find there is not another capital in the world that is subsidized by its General Government like the city of Washington is.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa be permitted to proceed for five minutes, not to be included in the general order heretofore made.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. I yield to the gentleman from Kansas.

Mr. CAMPBELL. The gentleman from Iowa is very pronounced in the opinion that the entire amount of money necessary to maintain the District government should be paid out of local taxation. Does the gentleman from Iowa couple with that proposition the right of self-government in the District of Columbia?

Mr. PROUTY. Yes; I think they are two things that should go hand in hand.

Mr. CAMPBELL. Then, instead of the amendment that is being discussed here, as well as other questions that are not included in the amendment, the whole question calls for general legislation of the greatest possible importance not only to the District of Columbia but to the country; and does the gentleman think that that legislation should be enacted by an amendment on an appropriation bill?

Mr. PROUTY. My answer to that would be this, in a general way: I am engaged in preparing a bill, which I will have the pleasure of presenting to this House, which covers all of these questions; but as this goes in part along the line I am in favor of, I propose to do all I can to get just as far as I can, and I will frankly say to the Members of the House that I will call on them to the best of my ability to consider a general proposition for reorganizing the entire system of government in the city of Washington. In other words, after having looked this question over from every corner, I do not believe there is any way that these questions can all be solved except by an absolute divorce between the District of Columbia in its purely municipal affairs and the Federal Treasury. [Applause.]

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. REDFIELD. I did not mean to interrupt the gentleman, but I would like to be recognized for five minutes when he has finished.

Mr. PROUTY. Mr. Chairman, there is no greater wrong in my opinion that a sovereign power can exercise than that of taxing one class of people for the benefit of another, and the first thought of every candid and sincere Congressman or legislator must be on the line of so adjusting things that unreasonable burdens will not fall upon anybody. As has been called to your attention by the chairman of our distinguished committee, not the distinguished chairman, but the chairman of our distinguished committee [laughter and applause] we not only pay all of these burdens at home in sustaining all of these affairs, but we come down here with our contribution to the people of the city of Washington. My people at home pay for their own schooling, pay for their own policing, pay for all those affairs, and then we come down here and throw into the laps of people who are wealthier per capita than my people a certain portion for the purpose of providing water, light, and everything else.

Mr. CANNON. Will the gentleman allow me?

Mr. PROUTY. With pleasure. I probably will have to ask a minute or two more.

Mr. CANNON. I hope it will be granted, but my recollection is from a careful examination that the citizens of Iowa per capita are the wealthiest people in the United States, and I believe in the world.

Mr. PROUTY. I accept the compliment, but unfortunately that only applies to the agricultural portion; I am talking about cities of the size of Washington.

Mr. CANNON. It includes all of them.

Mr. PROUTY. We are wealthy out there; we admit it; but we have not reached that point of generosity where we are willing to take from our own treasury and pour it into the laps of fellows who are just as well fixed as we are.

Mr. SISSON. You want to keep your riches.

Mr. PROUTY. What I wanted to state is, so you will understand it, for I speak with deliberation, that there is no city of the size in the group between 300,000 and 400,000 in the United States where the individuals per capita are as wealthy as they are in the city of Washington. That being true, what excuse can anybody give for taking money from the people of some other city and bringing it down here to pay the expenses of the fellows who live in this city.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REDFIELD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. REDFIELD] rise?

Mr. REDFIELD. Mr. Chairman, I would like to speak for a few moments on the amendment.

The CHAIRMAN. The Chair will advise the gentleman that under a unanimous agreement the time has been fixed for debate and except by unanimous consent——

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman from New York may address the committee for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none. The understanding of the Chair is that that is not to be deducted from the order the committee has already made.

Mr. REDFIELD. Mr. Chairman, I should not trouble the committee in this debate were it not that I happen to have had experience in administering a law of this kind much more severe in its terms, and can speak from experience. In the Borough of Brooklyn, in the city of New York, the law requires that the entire expenses of all public improvements of every nature having to do with street improvements, sewers, pavements, and everything of that kind, shall be borne wholly by the abutting property owners, the extent of the assessment area on each side being one-half the abutting block unless by special enactment. The only protection against confiscation which the property owner has under this severe statute is that the city has no right of its own to begin improvements. They must be initiated by the property owners themselves through a special proceeding provided for that purpose, and in the cases where assessments are very large—I had under my care a single sewer that cost something over $3,000,000—in such cases the law now permits the carrying of the assessment over a term of years, with interest thereon, but the entire cost of all these improvements is willingly paid by the property owners, and it does not in the faintest degree restrict the activities and the growth of the city in the construction of public works. As a matter of fact, in one year I had under my care some 80 contractors at work doing work of this character under the very onerous—or, rather, the very drastic—provision that I have described.

When I came to Washington from that experience, and found in the outlying parts of this city that the city, supported in part by the United States Government, was making improvements in streets, the benefit of which immediately accrued to the abutting property, but without expense to it, it seemed to me, and it seems to me now, one of the most shocking things I ever heard of the kind. I think this amendment would be bet-

ter if they—the property owners—paid it all. If they paid it all, then they should have the right to initiate, because it is not proper that the city should impose upon property owners such a tax of its own will without any voice upon their part. And in large improvements I think they might be given a term of years in which to pay, as, for example, in the case of a great trunk sewer, and things of that kind. But the principle of this amendment is perfectly sound. My property is benefited by a street; not yours a mile away, but mine. I expect to get that benefit back, and I ought to pay, and cheerfully pay, without any question of justice or injustice, what I am squarely getting back through the proceeds of that work. That is the practice elsewhere, and it ought to prevail here. [Applause.]

Mr. BURLESON. Mr. Chairman, the issue presented is quite simple and easily understood. Under the amendment proposed by the gentleman from Missouri [Mr. BORLAND] a change of plan in the payment for the construction and reconstruction of streets and avenues within the District of Columbia is proposed. The present plan authorized by law for paving of streets and avenues in the District requires that one-half of the expense shall be met by the District government and one-half by the General Government. The first question that arises in one's mind is, Is that just and fair? One way to arrive at a satisfactory answer to the query as to whether it is just and fair is to look to other cities and see what plan has been adopted in such cities in dealing with the subject matter under discussion.

It has been made manifest by repeated statements here that in an overwhelming majority of cities in the United States the entire cost of the construction and the reconstruction of streets is borne by the abutting property owner on the thoroughfare being improved. Such being the case, one is justified in concluding that there is nothing radically unfair in the proposition to impose a small part of such expense on abutting property owners in the District of Columbia. There is nothing novel in the plan to accomplish this result as outlined in the amendment of the gentleman from Missouri. He utilizes the same plan that exists in other cities of the United States for assessments against property owners. The only question remaining to be decided is whether the percentage of this cost to be assessed is too high. Is what he proposes unjust and unfair? What does he propose? He proposes that the abutting property owner, the man who owns the property to be benefited, shall pay one-fourth of the cost of the pavement on the street in front of such property. In other cities, as has been said, such property owner frequently has to pay the entire cost of such improvement. In some cases they pay half, but here it is proposed that such owner shall pay only one-fourth of the cost of the paving.

Mr. TAYLOR of Ohio. It is one-half of the cost. Where the property owner is charged to the center of the street he pays *one-half of the cost.*

Mr. BURLESON. One-half of the cost to the street-car track, or the center of the street, one-fourth of the entire cost of the street in front of his property.

Mr. TAYLOR of Ohio. But in other cities the person also pays only 50 per cent, because he only pays to the center of the street.

Mr. BURLESON. There is no difference between us. The proposition to be determined then is, is this too much; if so, offer an amendment to reduce it. The gentleman from New York [Mr. REDFIELD] has just suggested that he thinks the abutting property owner ought to pay all the cost of such street construction. I do not think he ought to pay it all in the city of Washington. Personally I do not want to completely abandon the half-and-half plan of paying municipal expenses that prevails in this city, but I want to call the attention of those who favor the existing plan that there are certain inequalities growing out of this plan which must be corrected or the whole plan will be either abolished and abandoned or radically changed. There is no doubt about that. I am a friend of the city of Washington. I do not want the present half-and-half plan abandoned, but I do desire certain inequalities, certain injustices, that result therefrom changed. These injustices against the whole people of the United States should be speedily eliminated or changed, in order that the plan itself may be saved. Personally I do not believe that the people of the United States should pay anything toward defraying the cost of schooling the children of the District of Columbia.

I believe that ought to be changed. There are also other injustices resulting from this plan, and if we correct these inequalities we will continue under the present half-and-half system until Washington is made and maintained as the most beautiful city in the world. Mr. Chairman, I appeal now to this committee to act cautiously in this matter. If we do act advisedly, act in the interest of the city, by adopting this amendment offered by the gentleman from Missouri [Mr. BORLAND], we may prevent more radical action in the future. [Applause.]

Mr. TAYLOR of Ohio. Will the gentleman yield just for one question? As chairman of the subcommittee in charge of the bill is it not a fact that this very amendment in the last days of our consideration of the bill was presented by you as chairman to the committee and discussed, and it was unanimously decided that it was inopportune to bring forth radical changes in legislation in an appropriation bill, and that this was conveyed to the full committee which agreed unanimously with us?

Mr. BURLESON. That is measurably true. It is a matter that we were afraid we ought not to undertake at this time. But as far as the amendment is concerned I want to say that it was prepared by one of the most competent engineer officers ever brought to the service of this District, the assistant engineer commissioner, Capt. Brooke. He had also the assistance of the law officers of the District in preparing this amendment.

Mr. TAYOR of Ohio. But not by a lawyer, or by anybody familiar with taxation.

Mr. BURLESON. It was prepared after full consultation with the law officer of this city, and it will stand the test in the courts. Take that from me. [Applause.]

Mr. SISSON. Mr. Chairman, I simply want to make this statement that the action was not entirely unanimous in the Committee on Appropriations.

Mr. BORLAND. Mr. Chairman, I want to call the attention of the committee in closing this debate to a fact that was referred to here by the chairman of the subcommittee [Mr. BURLESON], that this amendment is not a hasty suggestion, but has been carefully prepared by an engineer officer, Capt. Brooke, the assistant engineer officer of the District. It has been prepared with a view of articulating into and operating according to the machinery of the law now governing the District of Columbia. It is an adaptation of a principle that is in force in the District of Columbia in regard to sidewalks and alleys, and has been enforced and passed upon by the Supreme Court of the United States. It simply extends that principle to another class of improvements, to wit, the surfacing of the roadways of the streets.

There is not any question but that legally the proposition is sound and that we can go at least as far as making the abutting property owner pay one-half of the cost of those improvements. The gentleman from Wisconsin [Mr. LENROOT] recalled the case of Norwood against Baker, which was decided in 1898, and which caused a great deal of confusion at that time in the assessment laws of the various States. The opinion in the case of Norwood against Baker went away beyond the facts involved in that particular case in criticizing the front-foot rule or any other arbitrary form of assessing the benefits. Immediately after the decision in that case there went to the court from Kansas City the case of the Barber Asphalt Co. against French, in which case the question of the legality of the front-foot rule of assessment in paving improvements was squarely presented. The issue had not been clearly defined in the Norwood-Baker case. The front-foot rule was sustained by the Supreme Court of Missouri and by the Supreme Court of the United States in the case of the Barber Asphalt Co. against French, as reported in One hundred and eighty-first United States.

In that case the opinion not only reviewed every preceding case involving street improvements, but even specially mentioned the case of Mattingly against the District of Columbia, in which the Supreme Court sustained the very law that we are now proposing to extend to street improvements. That will be found on page 345 of the opinion. Then the court proceeds to say that the opinion in the case of Norwood against Baker should go no further than to leave to every man the constitutional right under the fourteenth amendment to go into a court of equity and enjoin the municipal authorities in any rare case of confiscation that may occur. That is true with respect to this law. A man has the right now to go into a United States court of equity and enjoin a case that happens to be a case of confiscation.

Mr. LENROOT. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. The gentleman knows that that was a decision by a divided court?

Mr. BORLAND. Yes.

Mr. LENROOT. The gentleman knows that Mr. Justice Harlan dissented?

Mr. BORLAND. Yes.

Mr. LENROOT. And that two other justices dissented?

Mr. BORLAND. Yes. That has been true since the rendering of the court's opinion in the case of the Barber Asphalt Co. against French. It leaves the question in such a position that where a man feels he is damaged he can go into court and litigate the question himself. It is now a question whether you will have a general law on the subject or whether you will put upon the property owner the necessity in each case of going to a jury and determining the damages in each case. You must either have a general plan of ascertaining damages, as under this front-foot rule, which works well in the majority of cases, or you must submit every particular case to a jury and show the exact damages and benefits to each piece of property. Under the latter plan of apportionment the burden of taxation is so increased by these expenses that it becomes a substantial injustice to the property owner instead of an act of justice.

Mr. LENROOT. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. Can the gentleman furnish any authority for the proposition that it requires a jury to settle these questions? The commission decide them.

Mr. BORLAND. Yes; but the Constitution of the United States says it shall not be done without due process of law, and every man still has that right reserved in all these forms of city improvements. For that reason, gentlemen, we can at least go this far. As has been said by the gentleman from New York [Mr. REDFIELD], I repeat it is a conservative step toward making the property owner pay a part of the improvements. I would go as far as the gentleman from New York [Mr. REDFIELD] does. I would make the property owner pay it all; but I agree that we ought now to adopt the principle of making property owners here pay a portion of the cost of the improvements opposite their property, and do it according to the established machinery of law which is now in operation in the District.

I call for the vote.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. LENROOT. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "levied" where it appears after the word "assessments," in the first line of the last paragraph, and inserting the word "levied" before the word "payable," in the same line.

Also add to the amendment the following:

"*Provided further*, That if upon any hearing of objections to the proposed assessment by any property owner affected the commissioners shall determine that the special benefits accruing to the property proposed to be assessed are not equal to the proposed assessment, then and in such case the commissioners shall determine the amount of such special benefits, if any, and such amount only shall be assessed against such property."

Mr. BORLAND. These are separate amendments, and I demand a division of them.

Mr. LENROOT. I suggest to the gentleman that while they are separate they should be treated together.

Mr. BORLAND. I have no objection to the first one.

Mr. LENROOT. The first one ought not to go in unless the last one is adopted.

Mr. BORLAND. I demand a division of those amendments, because, as I say, I am not opposed to the first one, that it shall be levied as well as collected under the rule applying to sidewalks; but I am opposed to the second amendment, which gives the commissioners some sort of arbitrary discretion to discriminate against certain property owners as to how much shall be paid.

Mr. SISSON. That is now the law.

Mr. BURLESON. That is now the law, absolutely.

The CHAIRMAN. Debate is closed, and everything is proceeding now by unanimous consent.

Mr. LENROOT. I ask unanimous consent that I may have two minutes in which to make a statement concerning my amendment.

Mr. BORLAND. Reserving the right to object, I should like to have two minutes in which to reply.

Mr. BURLESON. Very well; but I serve notice that I am going to object to any further extensions to anybody.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. LENROOT]?

There was no objection.

Mr. LENROOT. Merely in the interest of the gentleman's own amendment I wish to state that he does not want this first amendment adopted unless the second one is adopted, because the first amendment will require the commission to give the notice under the law of 1894, and the gentleman does not want that notice given unless there is some discretion to be reposed in the commission, as under the law of 1894, but which is not proposed in the gentleman's amendment. So the two practically go together and ought to stand or fall together.

Mr. BORLAND. The gentleman is not quite correct about that. The notice is not intended to cover the cost of the apportionment of the assessment. The notice is not intended to cover the desirability of the improvement at all, and that notice is perfectly feasible under this law as it is under the sidewalk law. I have no objection to the first amendment.

Mr. BURLESON. Mr. Chairman, I ask that the amendment offered by the gentleman from Wisconsin be voted down.

The CHAIRMAN. The gentleman from Missouri asks for a division of the amendment offered by the gentleman from Wisconsin, and the question is on the adoption of the first part of the amendment.

The question was taken; and on a division (demanded by Mr. LENROOT] there were 8 ayes and 45 noes.

So the amendment to the amendment was lost.

The CHAIRMAN. The question now is on the second part of the amendment offered by the gentleman from Wisconsin in the nature of a proviso.

The question was taken, and the amendment was lost.

Mr. CALDER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. Is it an amendment to the pending amendment?

Mr. CALDER. It is.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed the following resolutions (S. Res. 445):

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina.

Resolved, That a committee of nine Senators be appointed by the President of the Senate pro tempore, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased, at Charleston, S. C.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the President of the Senate pro tempore had appointed as said committee Mr. TILLMAN, Mr. SMITH of South Carolina, Mr. MARTINE of New Jersey, Mr. SWANSON, Mr. PERKY, Mr. MYERS, Mr. GRONNA, Mr. CRAWFORD, and Mr. POINDEXTER.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Amend the amendment, in the first paragraph, by striking out the words "or by resurfacing and existing pavement."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the purpose of investigating and reporting upon the collection and disposal of garbage and other city waste originating in the District of Columbia, including the preparation of plans and specifications for the construction of plants, the necessary accessories, and the employment of personal services and such other incidental expenses as may be necessary to carry out the purposes of this appropriation, to be immediately available, $10,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the gentleman in charge of the bill if it is contemplated by this provision in the bill to take that portion of the Baltimore & Ohio Railroad right of way which was abandoned by virtue of a law passed February 12, 1901, whereby this roadway become the property of the United States and subsequently was completed by a deed thereto. I ask if it is intended by this paragraph to take that as the site for the proposed building?

Mr. BURLESON. Mr. Chairman, I have no idea as to where it is intended to locate the proposed garbage plant. I ask unanimous consent that this item be passed, as the gentleman from Virginia [Mr. CARLIN] requested to have it passed if he was not present at this time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that this paragraph may be passed over with the point of order pending. Is there objection?

There was no objection.

Mr. LOBECK. Mr. Chairman, I want to suggest to the gentleman from Illinois [Mr. FOWLER] that the item on page 39 of the bill is probably the one that he refers to, instead of this one on page 33.

The Clerk read as follows:

Bathing beach: For superintendent, $600; watchman, $480; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,830.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph for the reason that it is not authorized by existing law.

Mr. BURLESON. The gentleman refers to the words making it immediately available?

Mr. JOHNSON of Kentucky. No; I refer to the bathing-beach proposition.

Mr. BURLESON. There is a statute which authorizes it.

Mr. JOHNSON of Kentucky. I will read the statute to the gentleman if he wishes to hear it. It is as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and permitted to construct a beach and dressing houses upon the east shore of the tidal reservoir against the Washington Monument grounds, and to maintain the same for the purpose of free public bathing, under such regulations as they shall deem to be for the public welfare; and the Secretary of War is requested to permit such use of the public domain as may be required to accomplish the objects above set forth.

SEC. 2. That the sum of $3,000 is hereby appropriated, from the revenues of the District of Columbia, to be immediately available for the purposes of this act.

Approved, September 26, 1890. (U. S. Stat., vol. 25, p. 490.)

Now, Mr. Chairman, this carries the proposition of $2,250 for repairs and another item of $1,500 for upkeep, payable half and half. It is quite clear from the act that I have just read that it was originally a District proposition.

Mr. BURLESON. I will state to the Chair that under the act of Congress authorizing a bathing beach it has been established, and appropriations for its maintenance and upkeep have been carried in this paragraph, I think, for some years by law. It has been carried for a number of years in the exact language that is contained in this bill except the words "immediately available." We have that right under the rules of the House, and, furthermore, it is necessary, because a number of the buildings have been injured by a storm. If the bathing beach is to be utilized during the coming summer when bathing beaches are ordinarily utilized, the money must be immediately available in order that the repairs may be effected.

The CHAIRMAN. Will the gentleman from Kentucky read the second section in the act of 1890 again?

Mr. JOHNSON of Kentucky. It is as follows:

SEC. 2. That the sum of $3,000 is hereby appropriated, from the revenues of the District of Columbia, to be immediately available for the purposes of this act.

Therefore it is quite apparent on its face, Mr. Chairman, that the money to be available for the purpose of the act was to be appropriated from the revenues of the District of Columbia, and not on the half-and-half plan.

The CHAIRMAN. The Chair will ask the gentleman from Texas if the act of 1890 is authorization for the bathing beach, and for its maintenance, repairs, and continuance, if the Congress would not have to look to that act as its authority for its continuance and repairs, and if the original act made it chargeable only against the District revenues, if it would not be subject to a point of order upon that ground—not on the ground that $4,830 is in excess of $3,000, but considering the first paragraph of the bill in connection with the paragraph against which the point of order is made, in the light of the act of 1890, would not the Chair be obliged to sustain the point of order?

Mr. BURLESON. Mr. Chairman, the bathing beach was established under that act, but there is no stipulation in it that the maintenance and upkeep shall be wholly from the revenues of the District of Columbia. It is true that was the first appropriation for the bathing beach, and it is stipulated by terms that it should be wholly from the revenues of the District of Columbia; but having established it, it is a municipal institution, and the necessary appropriation was carried in the District appropriation bill in the usual way, couched in the language of the present paragraph.

I call the attention of the Chair to the fact that in the act of 1908 $10,000 was appropriated.

The CHAIRMAN. That was an appropriation act?

Mr. BURLESON. An appropriation act for the improvement of wharves and floating baths. That was one-half from the revenues of the General Government and one-half from the revenues of the District government. Consequently this is a composite institution, if such a term can be used. It has been erected partly from funds taken only from the revenues of the District of Columbia and partly from the revenues taken one-half from the District and one-half from the General Government. I will read to the Chair the language of the act of 1908. Providing for the superintending force it then says:

And for temporary service, maintenance, and repairs, $1,950; construction of bathhouses, and for improvement of the wharves and floating baths, $7,000; and the appropriation of $5,000 for this purpose for the fiscal year 1907 is hereby made available, and in addition to the $5,000 herein provided.

There are $12,000 appropriated in the act of 1908 for improvements and the construction of new buildings for the bathing beach. This is simply for the supervisory force to take care of an institution that has been erected partly out of the funds of the District of Columbia and partly out of the funds of the General Government.

The CHAIRMAN. Is there any other act?

Mr. JOHNSON of Kentucky. That is the only act.

Mr. BURLESON. It is a public work in progress.

The CHAIRMAN. Is there any other act, except that of 1890, and the appropriation bill from which the gentleman has just read?

Mr. BURLESON. None other than the ordinary appropriations carried from year to year since that time.

Mr. GILLETT. Mr. Chairman, may I suggest this, that in the act of 1890 it is the first section by itself which authorizes the bathing beach. That section says nothing as to how the funds shall be paid. It simply authorizes the construction and maintenance. Consequently, of course, under the ordinary law it would be paid half and half; but it happens that we one year pay half and half and in other years, as, for instance, in the case of the playgrounds, we pay wholly by the city. That is a matter which the House can determine each year.

The CHAIRMAN. Can the House determine that each year in an appropriation bill, if the question is raised?

Mr. GILLETT. I think so. It might be a question whether it was not subject to a point of order to say that it should be paid entirely by the District. But when the work is once authorized it can certainly be paid in one year half and half. Any existing project authorized can be maintained afterwards half and half.

This original law was in two sections, one independent from the other. The first provided for the construction and maintenance of a bathing beach and then the second provided that the appropriation should be made by the District alone. I do not concede that that limits and offsets the general law that the expenses shall be always paid half and half. It simply provided that that portion of the appropriation should be paid by the District, and it seems to me, inasmuch as the bathing beach was authorized alone by a section, that it is in the discretion of the House afterwards to decide as to how it shall be paid.

Mr. SAUNDERS. Mr. Chairman, this is a public work, and it is a public work that was constructed under the following authority of law:

That the Commissioners of the District of Columbia are hereby authorized and permitted to construct a beach and dressing houses on the east shore of the tidal reservoir against the Washington Monument grounds, and to maintain the same for the purpose of free public bathing, etc.

The Chair will observe that not only is authority given for the construction of this beach, and the buildings therewith, but for the maintenance of the same. It is to be maintained, too, as the Chair will observe, as a free bathing resort under regulations which are prescribed. I wish to further call the attention of the Chair to——

The CHAIRMAN. Before proceeding, will the gentleman read the next paragraph so the Chair may have the two in connection? The Chair has not the act.

Mr. SAUNDERS. The Chair will observe that there is an authorization for the construction of this public work. Hence there is authority to appropriate for the same, because whatever is established by authority of law, may be appropriated for by Congress. In the very act pursuant to which this work was constructed there is a provision for buildings. The second and last section, is as follows:

That the sum of $3,000 is hereby appropriated out of the revenues of the District of Columbia, to be immediately available for the purposes of this act.

This section has no relation to the authority for the construction of the work. That portion of the act stands alone. So far as the appropriation of this money from a particular source is concerned it may be said that this fact does not furnish any ground for holding that thereafter, when the work has been established, these buildings may be allowed to go to ruin for lack of authority to appropriate for them under the general principle relating to the appropriations for repairs, and continuation of a public work. There are a great many rulings relating to appropriations that may be made with respect to a public

work that is in progress. Permit me to call the attention of the Chair to this particular one:

An appropriation for current repairs and improvements of the Botanic Garden was held to be a continuation of a public work. (4 Hinds, sec. 3787; see also 4 Hinds, sec. 3778.)

I am informed that there was no law establishing that garden, but be that as it may, the proposition to which I direct the attention of the Chair is that an appropriation for improvements and current repairs of the Botanic Garden was held to be a continuation of a public work.

Certain buildings are called for in connection with this bathing beach. Unless in due course these buildings are repaired, this public property will fall into ruin, and become valueless for the purposes for which it was designed. Will it be contended that the general principles relating to the authority to appropriate for continuing a public work should not apply to this case, merely because the original act provided that the first appropriation should be made from the revenues of the District of Columbia? There is no inhibition in this act operating to restrain a subsequent Congress from appropriating for repairs or improvements, as these appropriations are usually made in the District of Columbia. The money in the first instance might have been given for this purpose, and the act might have provided in terms that the construction of the beach should be made with this money; but such a provision would not operate to deprive a subsequent Congress of the authority to appropriate for the continuation of the work. If the act making the first appropriation is to be construed as intending that all subsequent appropriations must be made from the District of Columbia, then it may be fairly contended that no greater amount than $3,000 may be appropriated, and that this particular sum must be regarded as the limit of cost. This beach has been appropriated for in the District bill for many years, just as other public works have been appropriated for. The interpretation sought to be given to the act is a strained and fanciful one, and I submit to the Chair that in the interpretation of this act, aid may be found in the fact that this statute has not been heretofore construed, as it is sought to be construed to-day. Why should it be considered that with reference to this small item, it was the intention of Congress to provide that it should not be appropriated for on the half and half principle? Why should this distinction be made as to this little work, and why, unless the meaning of the statute is absolutely clear, should it be so construed as to take this work out of the general rule? This construction is not the inevitable meaning of the section of the act providing that the first $3,000 should be appropriated from the revenues of the District. There may have been many reasons for this provision in the first instance, all consistent with the intent that, thereafter when the work was established, and progressing, it should be controlled by the general principles relative to appropriations for such works. The act itself shows that the first appropriation was intended to start the work at once. It was to be immediately available. The legislators may have thought that the District of Columbia ought to put the work on its feet, so to say, and therefore ought to pay the initial cost. But this is perfectly consistent with an intention to authorize Congress to appropriate for the work thereafter on the half and half principle. I repeat that to take this one appropriation, this initial appropriation from the District revenues, and argue, therefrom that thereafter all appropriations for maintenance and repair must be made exclusively from the District revenues, is to give a strained and fanciful interpretation to the act, an interpretation opposed to its manifest meaning, and at variance with the general policy relating to appropriations in the District of Columbia. For these reasons we insist that the point of order should be overruled.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. The gentleman has just stated this is a public work——

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. Just a moment. I wish to state this is a public graft. I remained in Washington for 30 days after the adjournment of Congress, and if the often repeated statements in the newspapers are to be believed, the superintendent of that place when the doors of it were locked against the public was down there receiving people to bathe for which he received special fees. In addition to that, Mr. Chairman——

Mr. GILLETT. May I ask the gentleman, how does the gentleman obtain that information? Does he know it personally?

Mr. JOHNSON of Kentucky. I announced that if the statements often made in the newspapers last fall were to be believed that was true. I have heard also the commissioners had an investigation of that matter, but I do not know of my own knowledge that that is true.

Mr. GILLETT. I do not know anything about it myself, only it seems to me such a serious charge as that ought to have a more definite foundation than mere newspaper statements.

Mr. JOHNSON of Kentucky. The newspapers day after day charged that to be a fact, and then the superintendent came into the public print and made his statement in regard to it.

Mr. BURLESON. Does the gentleman always accept the statements made in that newspaper?

Mr. JOHNSON of Kentucky. I wish to assure him that I do not. But, Mr. Chairman, just one other thing. The gentleman from Virginia [Mr. SAUNDERS] has advanced a new rule for the construction of a pavement. He says the first section stands by itself for the construction of the whole bill. Just the reverse is true. Any paper must stand in its entirety to be construed. It applies not only to a will, to a deed of conveyance, but it applies also to the act of any legislative body. That I may not be misunderstood, Mr. Chairman, my point of order in the main—and I have minor points of order against the item—is that there is nothing in this which authorizes an expenditure on the part of the Federal Government. I do not take the position that this bill does not authorize the continuance of this thing for the people of the District of Columbia.

Mr. BURLESON. If the Chair will just permit an additional suggestion. Frequently provision is made for the erection or construction of public-school buildings, which provision would be subject to a point of order had it been directed against the item at the time it was originally presented. But the public-school building having been provided for and erected under that appropriation, surely no one would contend that the Government could not make provision for janitor service or repairs to the school building after it had been brought into existence. And that is exactly analogous to the present case.

The CHAIRMAN. The Chair entirely agrees with the statement of the gentleman from Texas [Mr. BURLESON] just made with reference to public schools or playgrounds, and concedes the authority of Congress by appropriation to provide for their continuance as a public work after they have once been put into operation. But the Chair would not agree with the gentleman's position if there were a general act, or special act, originally providing for the construction and maintenance of those buildings if thereafter an appropriation were sought to be made upon terms contrary to the act of original authorization under which they were first brought into existence and maintained. In regard to this particular paragraph against which the point of order is now made, if the paragraph for a bathing beach, and so forth, had appeared in this appropriation bill prior to the passage of this act of 1890, it would have been subject to the point of order, because there was no law authorizing it, either wholly out of District revenues or by half-and-half appropriation. On September 26, 1890, however, an act was passed, the first section of which reads:

That the Commissioners of the District of Columbia are hereby authorized and permitted to construct a beach and dressing houses upon the east shore of the tidal reservoir against the Washington Monument Grounds, and to maintain the same for the purpose of free public bathing, under such regulations as they shall deem to be for the public welfare; and the Secretary of War is requested to permit such use of the public domain as may be required to accomplish the objects above set forth.

The second section is as follows:

That the sum of $3,000 is hereby appropriated from the revenues of the District of Columbia, to be immediately available, for the purposes of this act.

It is of course assumed that the $3,000 was expended for the purposes of this act as provided in section 1. The purposes of the act as set out in section 1 are "to construct a beach and dressing houses," and so forth, and "to maintain the same." Then, if any subsequent appropriation is sought to be made for the maintenance, repair, and continuance of this public work, why not follow the act in pursuance of which the first appropriation was made? Why discard the special act of Congress passed for this specific purpose and rely upon an implied authority, derived from another law of prior existence?

In the view of the existing statute on the subject, the entire act being, according to familiar rule, construed together, a judicial officer would be required under rules of law to look to the intention of the legislation and to the intention, if necessary to be resorted to, of the legislators at the time the act was passed. It seems to the Chair that if it was intended by Congress at the time of passing the act of 1890 that the construction and maintenance of the bathing beach would be chargeable to the District of Columbia for one year only, and that thereafter the maintenance and repair of the bathing beach would be chargeable and appropriated for under the half-and-half clause, then Congress would undoubtedly have said so in the act, either by express provision to that effect or by words of limitation. There is no ambiguity in the language contained in the act of

1890; there is no conflict or want of harmony between the two sections; the last is the logical sequence to the first, and it fixes the expense of the enterprise wholly on the District. This being true, as is apparent from a clear reading of the act itself, the Chair is forced to the legal conclusion, giving to words their usual and ordinary meaning and significance, that the bathing beach, as authorized and appropriated for by the act, was to be for free public bathing in the District of Columbia, to be constructed and maintained wholly from the revenues of the District. At any rate, that is what the law which brought the beach into existence says. In that view of the case, the Chair is compelled to sustain the point of order. The Clerk will read.

The Clerk read as follows:

For the construction, by contract or otherwise, of an underground drain from the fountain lying south of the White House, across the grounds of the White House (reservation No. 1) and of the Washington Monument (reservation No. 2) to the bathing beach near Seventeenth and B Streets NW., $2,500; and the Commissioners of the District of Columbia are authorized to enter said reservations for the purpose of installing said drain.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph as being new legislation.

Mr. BURLESON. The bathing pools are gone now, and, of course, we do not want the water. I concede that it is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

The commissioners shall submit for the consideration of Congress, in the annual estimates for the government of the District of Columbia for the fiscal year 1915, detailed estimates for the construction of not exceeding two public bathing beaches, with all necessary buildings, on separate sites other than that now used and where tidal water shall be constantly available for bathing purposes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph, because it is legislation.

Mr. BURLESON. It is conceded, Mr. Chairman.

The CHAIRMAN. The point of order is conceded and sustained. The Clerk will read.

The Clerk read as follows:

For salaries: Clerk (stenographer and typewriter), $900; supervisor, $2,500; to be employed not exceeding 10 months, as follows—13 directors of playgrounds or recreation centers at $65 per month each, assistant director at $60 per month; to be employed not exceeding 7 months, as follows—2 assistant directors at $60 per month each, assistant director at $50 per month; to be employed not exceeding 3 months, as follows—1 assistant director at $60 per month, 13 assistants at $45 per month each; watchmen, to be employed not exceeding 12 months, as follows—10 at $45 per month each, one at $25 per month; in all, $21,275.

Mr. FOSTER. Mr. Chairman, last year's bill, I think, provided for——

Mr. FOWLER. I reserve a point of order against the paragraph, Mr. Chairman.

Mr. FOSTER (continuing). The salary of the superintendent for 10 months at $175 per month. This year I see $2,500 is recommended.

Mr. BURLESON. We made provision last year for only certain months of the year.

Mr. FOSTER. Ten months.

Mr. BURLESON. And they now want it for 12 months, the entire year, and they have increased his salary proportionately.

I will call the attention of the gentleman from Illinois [Mr. FOSTER] to the fact that all of these funds are to be paid wholly from the revenues of the District of Columbia, and that was really one of the terms of the compromise—that if they would assent to the proposition that these expenses were to be taken only from the treasury of the District of Columbia, we would be liberal with them in making provision for the playgrounds.

And whereas we have not ceased to scrutinize these items, yet we have been inclined to be liberal with them in this matter, inasmuch as the money is to come wholly from the revenues of the District of Columbia, and these various changes that are suggested in this item were earnestly urged by those in charge of the playgrounds.

Mr. TAYLOR of Ohio. Mr. Chairman, may I suggest to the gentleman from Texas [Mr. BURLESON] further that the superintendent of the playgrounds, or whatever his title may be——

Mr. FOSTER. Supervisor of the playgrounds——

Mr. TAYLOR of Ohio. Yes. Was brought here under what amounts to a moral promise to receive this salary. He left a larger salary at the place he came from.

Mr. COX. Where did he come from?

Mr. TAYLOR of Ohio. I do not know, but his last employment was in my city. I never knew him and had not met him before he came to Washington, but I understand he received a larger salary there, and we thought we were under a sort of moral obligation to see to it that the promise made to him was fulfilled.

Mr. FOSTER. That is no authority.

Mr. TAYLOR of Ohio. I know; but that is one of the considerations that influenced the committee in reporting this salary—that he had been led to expect a compensation equal to that which he received before he came here. I do not represent him, and have no authority to speak for him.

Mr. FOSTER. Did the District Commissioners recommend that this be done?

Mr. TAYLOR of Ohio. Yes. The District Commissioners put it in the estimates, and we were liberal because, as the gentleman from Texas [Mr. BURLESON] has said, the payment comes entirely out of the District revenues.

Mr. FOSTER. Still I do not think Congress ought to let certain people control this matter, and only a few of them who have to say anything about it. It comes off the taxpayers.

Mr. BURLESON. I will say to the gentleman from Illinois that we would not permit any unreasonable charge. We have not omitted our supervision of the matter. We still have it under scrutiny; but, as I say, we have been more liberal by reason of the fact that the entire burden of this service must be borne by the District taxpayers.

Mr. FOSTER. And it is the gentleman's opinion that after an investigation of this subject the matter ought to stand as it is?

Mr. BURLESON. Yes. We regard them as reasonable and just charges.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserved a point of order on the paragraph.

Mr. FOWLER. Mr. Chairman, under the explanation of the chairman of the committee that the amount is to be paid wholly out of the funds of the District of Columbia, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws his point of order. The Clerk will read.

The Clerk read as follows:

Hereafter, all railroads using engines propelled by steam shall pay to the District of Columbia for the lighting, under the direction and control of the Commissioners of the District of Columbia, of the public roads, streets, avenues, and alleys, for their full width, through which their tracks may be laid, for the length of the street occupied by the said tracks, whether the said tracks be laid above, below, or at grade; as well as for the lighting of the subways and bridges over or under which the tracks of said railroads pass; and in default of payment of such bills actions at law may be maintained by the District of Columbia against said railroads or their successors, transferees, or lessees therefor: *Provided*, That nothing herein shall be held to repeal the act of May 26, 1908, relating to the Washington Terminal Co.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I wish to inquire of those who have the bill in charge whether it would not be better, instead of saying "all railroads using engines propelled by steam," to say "all railroads other than street railroads," or something like that. The distinction has been made all along in the District of Columbia between street railroads and the other kind of railroads by designating the latter as railroads using engines propelled by steam. It may be that at no very distant day all those railroads upon entering the District of Columbia will use electricity to propel them, particularly through the tunnel down here.

Mr. SAUNDERS. So far as I am personally concerned, I am willing to accept the amendment. The chairman of the subcommittee is absent at this moment, and I suggest that we pass it without prejudice, to be returned to later.

Mr. JOHNSON of Kentucky. Will the gentleman make that request?

Mr. SAUNDERS. I ask unanimous consent that this section be passed without prejudice, to be returned to on motion hereafter.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the pending paragraph be passed without prejudice, with the right to recur to it hereafter. Is there objection?

There was no objection.

The Clerk read as follows:

For the erection of a brick or concrete storehouse and wall on land belonging to the District of Columbia, or on the portion of the old right of way of the Baltimore & Ohio Railroad through square 857, which the commissioners are hereby authorized to use as a site for this storehouse and for any other municipal use they may deem necessary, including the grading and improving of the ground, $7,500.

Mr. FOWLER. Mr. Chairman, I make a point of order against that paragraph. It is entirely new legislation, without any authorization.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BURLESON. Mr. Chairman, this item is subject to a point of order, but it will save the District, as well as the General Government, considerable expense if the warehouse is erected. They are now paying rather an exorbitant sum for rent of buildings to protect the materials and supplies of the electrical department. By the construction of a building costing

$7,500 this rent could be saved. But I admit that this is new legislation, and subject to a point of order.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. FOWLER. Yes.

Mr. LITTLEPAGE. I insist on it.

The CHAIRMAN. The point of order is insisted on by the gentleman from Illinois [Mr. FOWLER] and the gentleman from West Virginia [Mr. LITTLEPAGE]. The point of order is sustained.

Mr. SAUNDERS. Mr. Chairman, just a moment ago the paragraph on page 38, begining with line 5, was passed by unanimous consent, to be recurred to at any time. I ask that that be done now.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to recur to page 38, beginning at line 5, for the purpose of offering an amendment. Is there objection?

Mr. SAUNDERS. The amendment is proposed by the gentleman from Kentucky [Mr. JOHNSON]. It is that the words "using engines propelled by steam" be stricken out, and the words "other than street railroads" be inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 38, lines 5 and 6, by striking out the words "using engines propelled by steam," and inserting in lieu thereof the words "other than street railroads."

Mr. SAUNDERS. So far as the committee are concerned they accept that amendment.

The amendment was agreed to.

The Clerk read as follows:

For completing the purchase, installation, and maintenance of water meters to be placed on the water services of the National Museum, Washington Aqueduct, Naval Hospital, Naval Medical School, Library of Congress, and Hygienic Laboratory Buildings and for each and every purpose connected therewith, said meters to be purchased, installed, and maintained by and remain under the observation of the officer in charge of the Washington Aqueduct, $4,700.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to make the point of order, I wish to inquire of the gentleman from Texas [Mr. BURLESON], who is in charge of the bill, as to whether or not these are items similar to the ones to which the gentleman from Illinois [Mr. MANN] made a point of order last year.

Mr. SAUNDERS. The gentleman from Illinois [Mr. MANN] did make the point of order, as I remember it, but he withdrew the point of order upon the statement made that the purpose was to detect waste of water.

Mr. TAYLOR of Ohio. To determine the capacity of the plant.

Mr. BURLESON. To detect the wastage of water occasioned by leakage.

Mr. JOHNSON of Kentucky. Mr. Chairman, I decline to make a point of order.

The CHAIRMAN. The Clerk will read.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend some remarks in the RECORD by printing a speech delivered by the Hon. AUGUSTUS O. STANLEY, of Kentucky, on the subject of injunctions and the subject of Robert E. Lee.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend some remarks in the RECORD by inserting the addresses referred to. Is there objection?

Mr. FOSTER. Reserving the right to object, I would like to ask the gentleman if these speeches will come at the end of the RECORD instead of in the midst of the proceedings?

Mr. HEFLIN. They will come at the end of the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Heads of departments in high and manual training high schools in group B of class 6, 12 in all, at a minimum salary of $1,900 each.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. I observe that in the language of this bill it provides always for the minimum salary of the teachers. For instance, the paragraph just read says:

Heads of departments in high and manual training high schools in group B of Class 6, 12 in all, at a minimum salary of $1,900 each.

Mr. BURLESON. That is the basic pay; the salary is increased from year to year, and the longevity pay is carried in a separate paragraph.

Mr. CULLOP. I observe in the report on page 4, that seven teachers' salaries have been increased from $1,000 to $1,000 a year.

Mr. BURLESON. That is true.

Mr. CULLOP. Are those the only increases that are made?

Mr. BURLESON. No; but all of the teachers, I think, receive a certain increase of salary each year as the result of their length of service. That increase continues for a fixed period.

Mr. CULLOP. That is the automatic increase provided for some years ago.

Mr. BURLESON. This particular increase resulted from an item carried in the last year's appropriation bill, embodied in that bill at the other end of the Capitol. There were certain teachers who had been, under the provisions of law, denied longevity increase, and so that particular paragraph was put in the bill. This increase is the accumulated longevity pay to which they were entitled.

Mr. CULLOP. And which had been denied them under the operation of law?

Mr. BURLESON. Yes.

Mr. CULLOP. Mr. Chairman, I want it understood that I am not opposed to any increase in teachers' salaries. In my opinion, they are engaged in the most important service that there is connected with our civilization.

Mr. BURLESON. The gentleman is speaking generally and not particularly with reference to the school-teachers of the District of Columbia.

Mr. CULLOP. I am speaking of the school-teachers generally.

Mr. BURLESON. I am glad of that.

Mr. CULLOP. I think they perform the most important service of any employees we have in the Nation. I have long since believed that as a general rule all over the country school-teachers ought to be paid more liberally than they are because of the valuable and important service that they render to the public.

Mr. Chairman, the school-teachers in our public schools, I desire to take this occasion to say, are entitled to the highest consideration for their unselfish efforts in behalf of humanity. They perform a service for which we all owe them a debt of lasting gratitude, and wherever I can promote their welfare I feel it my duty to do so.

Upon them rests a great responsibility, and every reasonable encouragement should be given them in order to show our full appreciation for their great and good work. Intrusted to their care and keeping in a great measure is the future of the country and the hope of the Republic. The public schools are the people's colleges, and in these the young of this generation are trained for the responsibilities of succeeding generations, and as they perform their services the result will bear its fruit when the opportunities are presented. To them is committed for education the children of our land. They train the head, heart, and body, and the character of the future men and women is being formed and molded in a great degree by them; hence our consideration for their service. In their great work we should lend encouragement and stimulate their efforts for the highest standard, in order that it should be well performed; and therefore it should be well remunerated, that the best results may be obtained.

The Clerk read as follows:

Longevity pay: Longevity pay for director of intermediate instruction, supervising principal, supervisor of manual training, principals of the normal, high, and manual training high schools, principals of the grade manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, and kindergartens, teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, May 18, 1910, and June 26, 1912, $375,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to make a point of order, I wish to inquire of the gentleman the reason of inserting the word "high," on page 43, line 18.

Mr. BURLESON. That is to make it more specific and clear. My recollection is that under the terms of the amendment referred to a moment ago these teachers were in the high school.

Mr. TAYLOR of Ohio. Mr. Chairman, it refers to manual-training school teachers, and in order that there shall be no mistake, there being grade manual-training schools and high manual-training schools, the word "high" was inserted.

Mr. BURLESON. It is a word of limitation rather than enlargement.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not make the point of order.

The Clerk read as follows:

J. Ormond Wilson Normal School and Ross School, engineer, $900; janitor, $600; laborer, $420; 3 laborers, at $360 each; in all, $3,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN (Mr. HAY). Does the gentleman reserve it or make it?

Mr. FOWLER. I reserve it. For the J. Ormond Wilson Normal School and the Ross School provision is made for an

engineer, at $900. I desire to ask the gentleman in charge of the bill if that is a new position created in the department, a new engineer?

Mr. BURLESON. Yes; this is a new building just completed, and we are supplying the force.

Mr. FOWLER. Do they need an engineer there all the time?

Mr. BURLESON. Certainly they do. It is a building that is intended to house several hundred students, and very much larger than the library, about which the gentleman was talking yesterday.

Mr. FOWLER. If it is necessary, I do not want to cut it out at all.

Mr. BURLESON. It is necessary.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Eastern High School, janitor, $900; laborer, $420; laborer $360; in all, $1,680.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman why it is that in the Eastern High School no provision is made for an engineer, whereas in the paragraph on page 45, to which I called your attention a moment ago, there is an engineer provided for?

Mr. BURLESON. The Eastern High School has a janitor. It is a very much smaller building.

Mr. FOWLER. Are there not three buildings together in that Eastern High School?

Mr. BURLESON. We did not allow them an engineer because they did not ask for it and did not make it plain that one was needed. If they had asked for it and made it plain to us that one was needed, we would have allowed it. The fact that one is not there is because they did not make it plain that one was needed.

Mr. FOWLER. Mr. Chairman, I accept the gentleman's explanation.

The Clerk read as follows:

McKinley Manual Training School, janitor, $900; engineer and instructor in steam engineering, $1,500; assistant engineer, $1,000; 2 assistant janitors, at $720 each; fireman, $420; 2 laborers, at $360 each; in all, $5,980.

Mr. FOWLER. Mr. Chairman, I reserve the point of order. I desire to ask the gentleman why the salary of the engineer is increased from $1,200 to $1,500?

Mr. BURLESON. Because the District Commissioners estimated for the increase and urgently insisted upon it, and because the president of one of the labor organizations appeared before the committee and directed our attention to the fact that the engineers and employees of the District school service were underpaid. They convinced us that there ought to be a slight increase in the salary, and for that reason we granted it.

Mr. FOWLER. Why did you not increase the salary of the two laborers from $360 to something like $400 or $500?

Mr. BURLESON. Because we thought the service they were rendering was not worth that amount of money.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will say to the gentleman from Illinois that the Committee on the District of Columbia in the course of investigations held found that the pay for many of the engineers and janitors was so small that competent service could not be obtained, and that because of that fact many of the engines and furnaces were being destroyed. The Committee on the District of Columbia believes it would be a matter of economy to increase the salaries of some of them rather than to leave valuable machinery and boilers in the hands of alleged incompetent men.

Mr. GARNER. Mr. Chairman, was it not the duty of the Committee on the District of Columbia to report a bill increasing these salaries rather than to leave it to the Appropriations Committee?

Mr. JOHNSON of Kentucky. I do not know whether the gentleman would call it duty. That recommendation has been filed by the committee.

Mr. GARNER. Under the rules of the House, is it not impossible for the Committee on Appropriations to increase the salaries if a point of order be made?

Mr. JOHNSON of Kentucky. My opinion is that this is subject to a point of order.

Mr. GARNER. Being subject to a point of order and being legislation that is desirable, it occurs to me that it is the duty of the Committee on the District of Columbia to bring in this legislation and make it absolutely so the will of the House can be carried out.

Mr. JOHNSON of Kentucky. The gentleman from Texas fails to appreciate, I am sure, the extent of the work that the District of Columbia Committee has had upon its hands, quite recently in any event.

Mr. FOWLER. Mr. Chairman, I see in the next paragraph, providing for the Armstrong Manual Training School, there is an increase of salary of the engineer from $1,000 to $1,200. Why was not his salary made $1,500, the same as it was in the McKinley Manual Training School?

Mr. BURLESON. Because we thought it was adequate compensation for the service that particular engineer was rendering. The measure of responsibility was less.

Mr. FOWLER. There are some assistant engineers there, and their salaries have been increased from $720 to $1,000.

Mr. BURLESON. We did it for the same reason I have just stated to the gentleman. They are all subject to the point of order. I will call the attention of the gentleman from Illinois to the fact that they are all subject to a point of order.

Mr. FOWLER. I felt I knew that, but I was trying to see whether I ought to make the point of order or not.

Mr. MOORE of Pennsylvania. Will the gentleman reserve that for a moment, until I ask a question of the gentleman from Texas?

The CHAIRMAN. Does the gentleman from Illinois reserve the point of order?

Mr. FOWLER. I will reserve the point of order for a moment.

Mr. MOORE of Pennsylvania. Does the gentleman from Texas say that the representatives of the labor organizations were in favor of the increase of this salary?

Mr. BURLESON. That was not the reason that moved the committee to grant the increase. The District Commissioners estimated for this increase. They earnestly urged that it be granted and gave the reasons therefor. Subsequently a representative of the labor organizations asked to come before the committee. We granted him permission, and he made full explanation of the salaries received by engineers connected with the school service compared with the wages received by persons engaged in similar services in private employment, and we reached the conclusion that it was only just and fair that this increase should be granted.

Mr. MOORE of Pennsylvania. It was apparent to the committee that it was the wish of the labor organizations that the increase in this particular instance should be granted?

Mr. BURLESON. Undoubtedly. The representative of the labor organization was very earnest in his insistence that the increase be granted, stating it was inadequate compensation for the services rendered, and the committee was impressed with the justice of his contention and unanimously granted the increase.

Mr. MOORE of Pennsylvania. It seems to be in conformity with the union rules in the District in regard to wages paid for this kind of work?

Mr. BURLESON. We did not go into that, being governed entirely by the representation that this was inadequate compensation for the services which were being rendered.

Mr. MOORE of Pennsylvania. I ask the indulgence of the gentleman from Illinois for just one more question. I would like the gentleman from Texas to say whether or not this engineer and instructor in steam engineering renders services both as an engineer in the management of the building and also as an instructor in steam engineering to the students of the school?

Mr. BURLESON. That is true.

Mr. MOORE of Pennsylvania. So he acts in a dual capacity?

Mr. BURLESON. He acts in a dual capacity.

Mr. MOORE of Pennsylvania. And the committee, of course, was unable to pay him two salaries, and, Solomon-like, differentiate between the engineer who does the actual work in the school building, and the instructor in steam engineering who instructs the scholars—— [Cries of "Regular order!"]

I hope the gentleman from Illinois will withdraw his point of order in this instance, as it seems to me to be a most meritorious case.

Mr. FOWLER. Mr. Chairman, the same work which is done in the McKinley Manual Training School is done in the Armstrong Manual Training School—that is, he is both engineer and instructor in engineering; but if I could get an understanding that they both will be placed upon the same plane, that you will not object to an amendment I shall offer to increase the salary of the engineer of the Armstrong Manual Training School, I have no disposition to interpose a point of order.

Mr. MOORE of Pennsylvania. Will the gentleman from Illinois yield?

Mr. FOWLER. Certainly.

Mr. MOORE of Pennsylvania. Is it not apparent to the gentleman that the committee was confronted with a great difficulty in solving this question? Here was an employee occupying a dual position, an engineer in charge of the engineering features of the building, charged with the preservation of the property and the safety of the machinery. That was one job——

Mr. FOWLER. It is the same in the Armstrong Manual Training School.

Mr. MOORE of Pennsylvania. He is certainly worth $750 for that, and that would have been only one-half of his employment. Then he is employed as instructor of steam engineering, training the young idea how to shoot. That is worth $750 more.

Mr. FOWLER. The gentleman fails to understand my contention.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. MOORE of Pennsylvania. I submit to the gentleman that this is a meritorious case, and he ought not to press his point of order.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. FOWLER. I desire to say if the gentleman will not agree to allow an increase in the salaries in the Armstrong Manual Training School——

Mr. BURLESON. I will state to the gentleman from Illinois that when we reach the item I will explain it to his complete satisfaction as to why the change is made in the salaries.

Mr. FOWLER. Mr. Chairman, upon the guaranty of the gentleman I will withdraw the point of order. [Applause.]

The Clerk read as follows:

Armstrong Manual Training School, janitor, $900; assistant janitor, $720; engineer and instructor in steam engineering, $1,200; assistant engineer, $720; 2 laborers, at $360 each; in all, $4,260.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against this paragraph, and desire to ask the gentleman in charge of the bill why it is that he did not increase the assistant engineer's salary in this school from $720, to $1,000, the same as was done in the McKinley Manual Training School, the same character of work being performed by these assistant engineers in each of the schools?

Mr. BURLESON. Because the conditions are entirely different. The McKinley Manual Training School is a white school. The attendance is twice the attendance of the Armstrong Manual Training School, which is a negro school. In the McKinley School a very large percentage of the pupils are males, and the duties devolving upon this engineer as an instructor are very much greater than the duties devolving upon the engineer at the Armstrong Manual Training School, where a large percentage of the pupils are females. Inasmuch as these schools are very different in size, not only as to the buildings but in the number of pupils attending them, and because of the fact that the duties of the engineer at the McKinley Manual Training School are more onerous and responsible than the duties imposed upon the engineer at the Armstrong Manual Training School, we felt constrained to make this difference in their salaries.

Mr. FOWLER. Why, then, did you make an increase at all?

Mr. BURLESON. Because we did not want to be put in the attitude of discrimination, even if the service was not exactly as important. We went beyond the recommendation of the school board in the case of the Armstrong Manual Training School.

Mr. FOWLER. Did they recommend any increase in the salary of the engineer?

Mr. BURLESON. They did not. But we thought it was only fair, so long as we were increasing the salaries of these other engineers—although the cases were entirely different, although there was no estimate in their behalf, and no labor organization appearing in their interest—we did not propose to discriminate against them.

Mr. FOWLER. Is that engineer a colored man?

Mr. BURLESON. He is.

Mr. FOWLER. Why not increase his salary the same as you do that of the engineer in the McKinley Training School?

Mr. BURLESON. We did more for him than we did for the white man.

Mr. FOWLER. You have increased his salary $200, whereas you increased the salary of the McKinley Manual Training School engineer $300.

Mr. BURLESON. There was an urgent insistence that the salary of the engineer of the McKinley Training School be increased for the reasons I have given. There was no recommendation for an increase of the salary of the engineer in the Armstrong School.

Mr. FOWLER. He does exactly the same work in this school that the engineer does in the McKinley Manual Training School.

Mr. BURLESON. The point we make is that it is not the same kind of work.

Mr. FOWLER. He is both an engineer and a teacher of engineering.

Mr. BURLESON. That may all be.

Mr. FOWLER. Is there any difference in the size of these schools?

Mr. BURLESON. I have just stated to the gentleman that the McKinley Manual Training School is twice as large as the Armstrong Manual Training School.

Mr. FOWLER. You did in a way.

Mr. BURLESON. I did say in express terms that the McKinley Manual Training School is more than twice as large as the other.

Mr. TAYLOR of Ohio. And the work of the engineer at the McKinley Manual Training School is very much heavier and very much more important than that of the engineer at the Armstrong Manual Training School, and the salaries are very equitable. In fact, the colored engineer, at $1,200, is very much better paid, in my judgment, than is the white engineer at the other school, at $1,500.

Mr. FOWLER. Mr. Chairman, I withdraw my point of order and——

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws his point of order.

Mr. FOWLER (continuing). And move to strike out the words "$1,200," in line 14, page 26, and insert in lieu thereof the words "$1,300."

Mr. BURLESON. To which amendment I make a point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, line 14, page 26, by striking out "$1,200" and inserting in lieu thereof "$1,300."

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] make a point of order against the amendment?

Mr. BURLESON. I made a full statement about this matter. I will withdraw my point of order, Mr. Chairman, and let the House pass upon the proposition.

Mr. FOWLER. Mr. Chairman, the amendment is not subject to a point of order.

Mr. TAYLOR of Ohio. The gentleman from Texas [Mr. BURLESON] has withdrawn it.

Mr. FOWLER. An increase having once been made and carried in the bill permits an amendment under the rules of the House.

Now, Mr. Chairman, I will be very glad to see this amendment carried for many reasons. I would not have a bill passed here discriminating against a man because of his color for any consideration.

Mr. BLACKMON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FOWLER. That every man stands upon an equality before the law in America must be conceded by all. [Applause.]

The CHAIRMAN. Does the gentleman yield to the gentleman from Alabama?

Mr. FOWLER. Yes.

Mr. BLACKMON. I wish to ask the gentleman from Illinois if the fact were shown to him that the white man was doing twice as much work as the negro, would he want to give the same salary to the negro as to the white man?

Mr. FOWLER. If the labor differs in character and quantity sufficiently to justify a discrimination were both laborers white men, then I would make a discrimination if one were a white man and the other a colored man.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. But, Mr. Chairman, unless there is such a difference in the work to be performed in these institutions that it can be said upon principles of equity that a distinction ought to be made, then I am not in favor of making such distinction.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. FOWLER. Yes. I have only five minutes. I will yield for a question only.

Mr. MOORE of Pennsylvania. Does the gentleman know whether the union rules with regard to the wage scale obtain in this case as in the other?

Mr. FOWLER. Oh, I suppose the wage scale has nothing to do with this case at all, and it ought not to have anything to do with the other case. In other words, Congress, in passing upon the question of an adequate wage, ought to do its duty upon the basis of right, and not upon any other consideration.

Mr. MOORE of Pennsylvania. I am speaking of the union-labor question now. Where a wage scale is fixed for this kind of work the highest and best scale ought to be paid. Is the

gentleman arguing that in this particular instance labor organizations are interested, or is he arguing——

Mr. FOWLER. I can not say, Mr. Chairman, whether labor organizations have had anything to say concerning this question or not, but the highest scale ought to be paid where a wage scale has been agreed upon.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I desire an extension of time for three minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks that the time of the gentleman from Illinois [Mr. FOWLER] be extended three minutes. Is there objection?

Mr. GARRETT. I object.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] objects.

Mr. BURLESON. Mr. Chairman, just a word in reply. I want to assure the committee that there has been absolutely no discrimination in practice in this case. If there was any discrimination, it was in behalf of the engineer at the Armstrong Manual Training School. He did not ask for the increase himself. The District Commissioners did not ask it for him. The labor organizations did not ask that his salary be increased. But when we took into consideration the other institutions, we discriminated in his favor by granting him an increase when we were really probably not justified in granting the increase, and I ask the committee to vote down the amendment.

Mr. DYER. I want to ask the gentleman if the question of color had anything to do with it?

Mr. BURLESON. Oh, absolutely nothing. The facts are just as I have stated them.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question there? Does he know whether in this particular instance the engineer happens to be a member of a labor organization? The gentleman from Illinois [Mr. FOWLER] was indicating that he spoke very largely as a representative of the workingmen, and there is a question as to whether the colored brother is a member of any labor union in this District.

Mr. BURLESON. I think they are not permitted to be members of labor unions.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question being taken, the Chairman announced that the "noes" appeared to have it.

Mr. FOWLER. Division, Mr. Chairman.

The committee divided; and there were—ayes 2, noes 17.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Mr. FOWLER. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The Chair would like to carry into effect the withdrawal of the point of order by the gentleman from Illinois if he can find a parliamentary way in which to do it; but the gentleman from Texas moved that the committee rise, and the motion has been agreed to and the result announced.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER designated Mr. LINTHICUM to act as Speaker pro tempore at the session of the House to-morrow, Sunday, February 2.

COUNTING THE ELECTORAL VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I ask to take from the Speaker's table Senate concurrent resolution 35, and consider the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 12th day of February, 1913, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate pro tempore shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of House of Representatives, to whom shall be handed, as they are opened by the President of the Senate pro tempore, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate pro tempore, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. The question is on concurring in the Senate resolution.

Mr. BURKE of South Dakota. Mr. Speaker, before the question is taken I desire to ask the gentleman in charge of the resolution if it is in the usual form?

Mr. RUCKER of Missouri. It is a verbatim copy of the resolution passed four years ago.

The resolution was concurred in; and the Speaker appointed Mr. RUCKER of Missouri and Mr. YOUNG of Michigan as tellers.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of House Document No. 1316, and the same was referred to the Committee on Appropriations.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until Sunday, February 2, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on advisability of providing for the west breakwater at Kahului Harbor, Hawaii (H. Doc. No. 1330); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of Bayou Teche, La., with view to securing increased depth (H. Doc. No. 1329); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the president of the City & Suburban Railway Co. of Washington, transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1049); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the president of the Potomac Electric Power Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1053); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the president of the Brightwood Railway Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1050); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the president of the Washington Railway & Electric Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1047); to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the president of the Georgetown & Tennallytown Railway Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1051); to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the president of the Anacostia & Potomac River Railroad Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1048); to the Committee on the District of Columbia and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting, for the information of Congress, detailed statement of the refunds of customs duties, etc., for the fiscal year ended June 30, 1912 (H. Doc. No. 1325); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting, for the consideration of Congress, an amended estimate of appropriation submitted by the acting chairman of the Interstate

Commerce Commission for the year 1914 (H. Doc. No. 1326); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an amendment to the estimate of appropriation for printing and binding for the Department of Commerce and Labor for the year 1914 (H. Doc. No. 1327); to the Committee on Appropriations and ordered to be printed.

12. A letter from the chairman of the executive committee of the Washington Interurban Railway Co., transmitting the annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1328); to the Committee on the District of Columbia and ordered to be printed.

13. A letter from the Acting Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of South Carolina at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

14. A letter from the president of the Georgetown Gas Light Co., transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1324); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes, reported the same without amendment, accompanied by a report (No. 1429), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (S. 5378) releasing the claim of the United States Government to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, reported the same with amendment, accompanied by a report (No. 1431), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5377) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, reported the same with amendment, accompanied by a report (No. 1432), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NYE: A bill (H. R. 28571) to authorize the Northern Pacific Railway Co. to construct a bridge across the Mississippi River in Minneapolis, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 28572) officially naming the War between the States; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 28573) to amend section 32 of an act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. THOMAS: A bill (H. R. 28574) to provide for the erection of a monument to Lester Bryant; to the Committee on the Library.

By Mr. COOPER: A bill (H. R. 28575) to provide a commission to secure plans and designs for a bridge as a memorial of peace and union, to be known as the Grant-Lee Bridge, and to be constructed across the Potomac River from a point in the city of Washington near the site selected by law for a memorial to Abraham Lincoln to the national cemetery at Arlington, in the State of Virginia; to the Committee on the Library.

By Mr. ADAMSON: A bill (H. R. 28576) to promote the efficiency of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 28577) to authorize the enlargement of the Federal building site at Ardmore, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 28578) to increase the limit of cost of the Federal building at McAlester, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. LINTHICUM: A bill (H. R. 28579) to provide uniform regulations for boats engaged in the towing service; to the Committee on the Merchant Marine and Fisheries.

By Mr. CRAVENS: Resolution (H. Res. 805) providing for two additional clerks to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. AKIN of New York: Resolution (H. Res. 806) for reform in the civil service; to the Committee on Reform in the Civil Service.

By Mr. CARTER: A memorial from the Legislature of the State of Oklahoma, asking for the appointment of a committee to investigate rural-credit systems in foreign countries to the end that such systems be established in the United States; to the Committee on Banking and Currency.

Also, a memorial from the State of Oklahoma, praying for correction of boundary line between the Fort Sill Military Reservation and the State of Oklahoma; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 28580) for the relief of Alexander H. Allan and others; to the Committee on Claims.

By Mr. CARLIN: A bill (H. R. 28581) for the relief of William S. Shacklette; to the Committee on Claims.

Also (by request), a bill (H. R. 28582) for the relief of Bella Crounse and other heirs of the estate of James Bell, deceased; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 28583) for the relief of Patrick Powers; to the Committee on Military Affairs.

Also, a bill (H. R. 28584) for the relief of Leonard Seis; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 28585) for the relief of James H. McGill; to the Committee on Military Affairs.

Also, a bill (H. R. 28586) for the relief of the heirs of Elijah M. Hart; to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 28587) granting an increase of pension to Allen Hartwell; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 28588) granting a pension to Margaret Cassidy; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 28589) granting an increase of pension to Augustin Prada; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 28590) granting a pension to Olive H. Glines; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 28591) granting an increase of pension to Catherine L. Dow; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 28592) granting an increase of pension to Alexander Barclay; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 28593) granting an increase of pension to Clara P. Schnader; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 28594) granting a pension to Ralph E. Henderson; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 28595) for the relief of Hausen & Dieckmann; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 28596) to restore to the rolls in the War Department the name of Joel B. Ellis and to issue to him an honorable discharge; to the Committee on Military Affairs.

By Mr. SAUNDERS: A bill (H. R. 28597) granting a pension to John L. Taylor; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 28598) for the relief of Mary Bailey Pratt; to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 28599) granting a pension to Mary C. Cherry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Navy League of the United States, Washington, D. C., favoring passage of legislation for reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

By Mr. ASHBROOK: Petition of the Chamber of Commerce of Richmond, Va., favoring the passage of legislation for a

reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the public-service commission of Ohio, favoring the passage of Senate bill 6099, for the establishment of a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of Charles C. Suffren, of Brooklyn, N. Y., favoring the passage of legislation for the establishment of a council for national defense (H. R. 1309); to the Committee on Naval Affairs.

Also, petition of George W. Wingate, favoring the passage of House bill 1309, providing for a council of national defense; to the Committee on Naval Affairs.

Also, petition of Newman Erb, of New York, favoring the passage of House bill 1309, providing for a council of national defense; to the Committee on Naval Affairs.

By Mr. CARLIN: Papers to accompany bill for the relief of William S. Shacklette; to the Committee on Claims.

By Mr. CLARK of Florida: Petition of B. T. Wheeler and other citizens of Orange County, Fla.; Lewis Young and other citizens of Volusia County, Fla.; and A. L. Maclean and other citizens of Orange County, Fla., favoring the retention of the present tariff on all citrus fruits; to the Committee on Ways and Means.

Also, petition of T. A. Taylor and other citizens of Volusia County, Fla., asking for the retention of the present tariff duties on citrus fruits; to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. DYER: Petition of the Navy League of the United States, favoring the passage of the bill for legislative reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

Also, petition of John D. Roberts Camp, No. 7, United Spanish War Veterans, of Hoquiam, Wash., favoring the passage of legislation to permit the battleship *Oregon* the right of first passage through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Missouri Fish and Game League, favoring the passage of the Weeks bill (H. R. 36) and the Kent bill (H. R. 23839) for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of Claude Kilpatrick and others, of St. Louis, favoring the passage of the bill for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. ESCH: Petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. FOSS: Petition of the Chicago Women's Outdoor Art League, protesting against the passage of any legislation tending to destroy the present system of national forest preservation; to the Committee on Agriculture.

By Mr. FRANCIS: Petition of teachers and students of the Freeport schools, Freeport, Ohio, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. GREENE of Massachusetts: Petition of the Board of Trade, North Attleboro, Mass., protesting against the passage of legislation changing the tariff duties on jewelry, silverware, and kindred articles; to the Committee on Ways and Means.

By Mr. HAYES: Petition of the Towner's Mercantile Co., Salinas, Cal., and the Griffin & Shelley Co., San Francisco, Cal., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Sacramento Valley Development Association, Sacramento, Cal., protesting against the passage of legislation for a reduction of tariff on olives and olive oils; to the Committee on Ways and Means.

Also, petition of Charles A. Kofoid, Berkeley, Cal., and David Starr Jordan, Stanford University, Cal., favoring the passage of legislation for the repairing of the U. S. S. *Albatross*; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Home Industry League of California; the Federal Rubber Manufacturing Co., San Francisco, Cal.; and the Klauber Wangerheim Co., San Diego, Cal., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union, Morgan Hill, Cal., favoring the passage of the Kenyon "red-light" injunction bill, for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. KAHN: Petition of the congregation of the First N. P. Church, San Francisco, Cal., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. KONOP: Petition of the Yahr & Langé Drug Co., Milwaukee, Wis., protesting against the passage of legislation changing the duties on chemicals; to the Committee on Ways and Means.

By Mr. LEVY: Petition of the Chamber of Commerce of the United States, favoring the passage of the Page agriculture and industrial education bill (S. 3); to the Committee on Agriculture.

Also, petition of Philip Hiss, of New York, N. Y., favoring the passage of legislation for the establishment of a council for national defense (H. R. 1309); to the Committee on Naval Affairs.

Also, petition of the United States Live Stock Sanitary Association, Chicago, Ill., favoring the passage of legislation to increase the appropriation for the eradication of ticks; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the Navy League of the United States, Washington, D. C., favoring passage of legislation for reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

Also, petition of the Dentists' Supply Co., New York, favoring the passage of legislation to regulate the practice of pharmacy and the sale of poisons in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Augustus R. Smith, Philadelphia, Pa., favoring passage of House bill 1339, to increase the pensions of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Philadelphia Coal Exchange, Philadelphia, Pa., favoring the passage of legislation to repeal the mercantile-tax bill; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. MOTT: Petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation for investigations for the improvement of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Remington Typewriter Co., New York, protesting against the passage of the Oldfield patent bill (H. R. 23417) proposing certain changes in the present patent laws; to the Committee on Patents.

Also, petition of the Poughkeepsie (N. Y.) Chamber of Commerce, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of the United States of America, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. PARRAN: Papers accompanying bill (H. R. 28568) granting an increase of pension to Mary E. Ryan; to the Committee on Invalid Pensions.

By Mr. POST: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of legislation to reorganize the personnel of the Navy; to the Committee on Military Affairs.

By Mr. PRAY: Petition of the Central Labor Council, Anaconda, Mont., favoring the passage of legislation for a congressional investigation regarding the enforcement of laws relating to safety appliances on railroads and boiler inspection; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of the Philadelphia Coal Exchange, Philadelphia, Pa., favoring the passage of legislation to repeal the mercantile tax bill; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Federal Rubber Co., San Francisco, Cal., favoring the passage of House bill 27567, for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of J. D. Sweeney, Rev. Ellis Purlee, and H. P. Andrews, of Red Bluff, Cal., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of the Minnesota Educational Association, St. Paul, Minn., favoring the passage of legislation for the establishment of a national university in Washington, D. C.; to the Committee on Education.

Also, petition of Branch No. 28, N. A. L. C., St. Paul, Minn., favoring the passage of House bill 20995, providing for compensation of Government employees who may be injured while in the line of duty; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 2, 1913.*

The House met at 12 o'clock noon and was called to order by Mr. LINTHICUM as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our God and our Father, whose presence pervades all space with rays divine, humbly, reverently we wait on Thy blessing. Open Thou our spiritual eyes, that we may see the glories round about us; our spiritual ears, that we may hear "the rustle of wings," the song of angels; our spiritual hearts, that we may feel the warm currents of Thy love and be reassured in our longings, hopes, and aspirations. Time and space are nothing, life in Thee alone is life, so we believe, so we aspire, so we pray. Our coming together to-day in memory of a great man is the earnest of that immortality which springs spontaneously from the soul and lifts us to the realms of high heaven, source of all good. His deeds speak more eloquently than tongue or pen of his worth to State and Nation. It is well thus to commemorate them, that he may live again in those who shall come after him.

Comfort those who knew and loved him, his bereaved wife and family, in the undying hope of the eternal and everlasting life in a risen and glorified Christ. For Thine is the kingdom, and the power, and the glory forever. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. TALBOTT of Maryland. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to dispense with the reading of the Journal and that the Journal be approved. If there be no objection, it will be so ordered.

There was no objection.

THE LATE SENATOR RAYNER.

The SPEAKER pro tempore. The Clerk will report the order for to-day's session.

The Clerk read as follows:

On motion of Mr. LINTHICUM, by unanimous consent,

Ordered, That Sunday, February 2, 1913, at 12 o'clock m., be set apart for addresses upon the life, character, and public services of Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Mr. LINTHICUM. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House resolution 807.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. TALBOTT of Maryland. Mr. Speaker, my remarks upon this solemn occasion, when we meet to pay tribute to the late Senator from Maryland, Hon. ISIDOR RAYNER, shall be very brief, but I feel that I should not permit the opportunity to pass without saying something about his life, character, and public services.

In the death of Senator RAYNER, to quote from the Evening Sun of Baltimore—

Maryland has lost a man of real statesmanlike stature, of clear public vision, and of true democratic ideas.

Maryland not only loses this great man but his death is a severe blow to the Democratic Party, now about to come into control of every branch of the National Government.

My acquaintance with Senator RAYNER dates from 1876. I first met him in the presidential campaign of that year at an open-air mass meeting in Baltimore. He was then a young man, and made one of the best political speeches I ever heard. He attracted the attention of the people and the party leaders, and from that time on during the whole of his life he was always in demand as a popular and able orator.

I served with Mr. RAYNER in the Fifty-third Congress, when Mr. Cleveland was President, and he was one of the Congressmen who stood loyally by the President in his fight for the redemption of the party pledges.

He later was elected as attorney general of Maryland on the ticket with the now senior Senator from Maryland, Hon. JOHN WALTER SMITH, who was the successful candidate for governor in 1899. It is useless for me to say that he filled this high office with credit and distinction. It was not long after this that he was called upon to represent the hero of Santiago, Admiral Schley, in his defense before the court of inquiry. Mr. RAYNER'S splendid effort in this notable case will long be remembered as a masterly defense of a brave and heroic man by a great and accomplished lawyer.

Mr. RAYNER came to the Senate in 1905 to succeed the late Hon. Louis E. McComas. His campaign for the senatorship was a most vigorous and nerve-racking one. There were no less than five candidates for the office, and it was only after many caucuses, party conferences, and the keenest political maneuvering that he was chosen.

On account of his previous experience in Congress, his capacity to grasp public questions, his knowledge of public affairs, and his legal training he immediately took a most prominent part in all discussions and the workings of the legislative machinery in the Upper House.

Mr. RAYNER spent more than seven years in the Senate, and he took his place there as an orator, a debater, and a constitutional lawyer, and his career in that august body soon proved to his constituents that they had made no mistake in choosing him as their representative, for in all his actions and dealings as a public official he was always in entire sympathy with the people whom he was chosen to represent and was quick to respond to popular sentiment.

Again quoting from the Evening Sun, of Baltimore:

Above all, his instincts were true to the principles of popular government, and he intuitively turned to the side of right in nearly every great public contest. There was no shadow of turning in his democracy, and he upheld with unflinching firmness and enthusiasm the traditions and the faith of his party as handed down to him by its great political apostles.

As a member of the Judiciary Committee and the Committee on Foreign Relations he rendered most valuable service to his country and his party. He made a special study of the Constitution and international affairs, and was looked upon by both Republicans and Democrats as one of the leading authorities and most active and widely informed Senators on these great questions.

It was a great disappointment to Senator RAYNER not to be able to take part in the late campaign. The national committee and the Maryland Democratic State central committee had mapped out a most important work for him, and his inability to take up the work not only grieved him, but considerably handicapped the party leaders, and was more keenly felt as the campaign progressed.

His last public appearance was in the debate at Baltimore with the former Congressman W. Bourke Cockran, in which he acquitted himself with great credit. After this, on advice of his physicians, he was obliged to cancel all his campaign engagements and was forced to take to his bed, and five or six weeks thereafter he passed into the life everlasting.

Mr. RAYNER was known as a home man. He belonged to but one club and was only rarely found there, preferring to spend the few leisure hours which he did have in his family circle. He was a devoted husband and a loving and indulgent father, and no matter what we say or do here to-day we can not fill the wide gap that has been made in his family circle by his untimely death.

Peace and death's beauty to his heart to-day,
Who is not dead, but only gone away
To sleep a little, as a child who goes
When twilight folds the petal of the rose.

Mr. HAUGEN took the chair as Speaker pro tempore.

[Mr. COVINGTON addressed the House. See Appendix.]

Mr. LINTHICUM. Mr. Speaker, in offering this tribute to the memory of ISIDOR RAYNER, late a Senator from the State of Maryland, there comes to me a flood of feelings peculiarly tender.

The latter portion of Senator RAYNER'S public life was so interwoven with events with which I was intimately connected